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THE EXECUTIVE DOCUMENTS

PRINTED BY ORDER OF

THE HOUSE OF REPRESENTATIVES

DURING THE 

SECOND SESSION OF THE FORTY-SECOND CONGRESS.

1871-'72.

IN EIGHTEEN VOLUMES.

Volume 1....No. 1 and Part 1 of No. 1.
Volume 2....No. 1, Part 2. War; Parts 1 and 2.
Volume 3....No. 1, Part 5. Interior; Parts 1 and 2.
Volume 4....No. 2 and Parts 3 and 4 of No. 1.
Volume 5....Nos. 3 and 4.
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Volume 8....No. 85 to No. 106, inclusive.
Volume 9....Nos. 107, 108, and 109.
Volume 10....No. 110 to No. 212, inclusive; except No. 121.
Volume 11....No. 121, Coast Survey.
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Volume 13....No. 278 to No. 281, inclusive; with Nos. 283, 290, 294, and 322.
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Volume 16....No. 324, Counter-Case of Great Britain, Geneva Conference.
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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 213.

VARIOUS PACIFIC RAILROAD COMPANIES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of March 11, 1872, relative to the various Pacific Railroad Companies.

MARCH 25, 1872.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

TREASURY DEPARTMENT, *March* 23, 1872.

SIR: In compliance with a resolution of the House of Representatives, dated March 11, 1872, requesting information concerning the various Pacific Railroad Companies, I have the honor to submit herewith copies of all the annual reports of said companies which are on file in this Department, as follows:

Union Pacific Railroad Company: Reports for 1865, 1866, 1867.

Union Pacific Railroad Company, (eastern division:) Reports for 1856, 1864, 1865, 1866, 1867. Changed to Kansas Pacific Railroad Company April, 1869—one report.

Central Pacific Railroad Company: Reports for 1866, 1867.

Western Pacific Railroad Company: Reports for 1866, 1867.

Sioux City and Pacific Railroad Company: Report for 1867. Other reports with Secretary of the Interior.

Denver Pacific Railroad and Telegraph Company: Report for 1870.

The annual reports which have not been furnished this Department, I understand, are filed with the Secretary of the Interior.

Very respectfully,

GEO. S. BOUTWELL, *Secretary.*

Hon. JAMES G. BLAINE,
Speaker U. S. House of Representatives, Washington, D. C.

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ANNUAL REPORT OF THE CENTRAL PACIFIC RAILROAD COMPANY, OF CALIFORNIA, TO THE SECRETARY OF THE TREASURY, FOR THE YEAR ENDING DECEMBER 31, 1863.

FIRST.

Names of stockholders.	Residence.
Avery, Sarah E	Sacramento, Cal.
Avery, Melissa	Do.
Arnold, Jacob	Do.
Ames, Henry	Do.
Ayres, I. I	San Francisco, Cal.
Adams, William I	Do.
Bates, C. D	Sacramento, Cal.
Booth, L. A	Do.
Brickell, E. I	Illinoistown, Cal.
Brickell, B	Do.
Bradley & Trim	Dutch Flat, Cal.
Beans, T. E	Nevada, Cal.
Bithell, James	Sacramento, Cal.
Burnham, William C	Do.
Burt, B	Do.
Bronner, Joseph	Do.
Beck, Robert	Do.
Bell, T	Do.
Brown, R. T	Do.
Brown, Daniel	Do.
Belmer, John, & Co	Do.
Banquier, Joseph	Do.
Barnes, C	Do.
Bowman, Ida	Do.
Bowman, W. I	Do.
Blum, E	Do.
Baker, Thomas	Do.
Bragg, H. W	Do.
Babson, Seth	Do.
Bassett, George A	Do.
Burke, Ethelbert	San Francisco, Cal.
Boruck, Marcus D	Do.
Brannan, Samuel	Do.
Barnes, George E	Do.
Barencamp, Mrs. E	Do.
Barling, H. A., and others, trustees.	Do.
Baxter, John A	Do.
Bacon, I. S	Do.
Bement & Dougherty	Do.
Boyd, John	Do.
Brooks, Noah	Do.
Bancroft, E. P., trustee	Boston, Mass.
Chamberlain, O. L	Sutter Creek, Cal.
County of Sacramento	Sacramento County, Cal.
County of Placer	Placer County, Cal.
Crocker, L. B	Oswego, N. Y.
Crocker, Mrs. Anna E	Do.
Campbell, D. D	Schenectady, N. Y.
Chase, Charles M	San Francisco, Cal.
Cole, Cornelius	Do.
Culver, James H	Sacramento, Cal.
Cummings, C. H	Do.
Crocker, Charles	Do.
Crocker, E. B	Do.
Crocker, H. S	Do.
Crocker, B. R	Do.
Cook, Hiram	Do.
Cochran, Mrs. M. T	Do.
Converse, Charles H	Do.
Conrad, John	Do.
Conrad, Maria	Do.
Chevalier, F	Do.
Clark, D. W	Do.
Cook, T. H	Do.
Coolot, A	Do.
Campbell, James	Do.
Coleman, W. P	Do.
Crankite, H	Do.
Drew, N. L	Do.
Drew, N. L., & Co	Do.
Drew, D. K	Do.
Duffy, James A	Do.
Davis, E	Do.
Douglass, W. I	Do.
Dreher, William	Do.
Domingos, I	Do.
Dougherty, C. K	Sacramento, Cal.
Dunn, Henry	Do.
Dean, Georgianna Mary	Do.
Dumont, Alphonsine	San Francisco, Cal.
Doolan, William	Do.
Davis, George T. M	New York City, N. Y.
De Forest, Martin	Schenectady, N. Y.
Douw, Yolkert P	Sacramento, Cal.
Douw, Mrs. Helen L	Do.
Davis, I. T	Do.
English, W. G	Do.
Earl, Daniel W	Do.
Everett, W. L	Do.
Ebner, C. & T	Do.
Egl, A	Do.
Ester, M. M	Do.
Foye, W. K. S	Do.
Friend & Terry	Do.
Franklin, P	Do.
Floberg, I. P	Do.
Fitzpatrick, Michael	Do.
Foote, L. H	Do.
Frey, Joseph M	Do.
Foster, F	Do.
Friend, I. S	Do.
Forster, Peter B	San Francisco, Cal.
French, Walter H	Virginia, Nevada.
Franchot, Antoinette	Syracuse, N. Y.
Franchot, Richard	Do.
Forney, I. W	New York.
Gillig, John	Virginia, Nevada.
Gallatin, Albert	Dayton, Nevada.
Gardiner, Robert	Knight's Landing, Cal.
Gruhler, Jacob	Sacramento, Cal.
Greenlaw, A. S	Do.
Greenbaum, Moses	Do.
Gotthold, Gustave	Do.
Gayoet, Eugene	Do.
Grim, Charles H	San Francisco, Cal.
Gruhler, Christ	Sacramento, Cal.
Gruhler, Elias	Do.
Gossner, B	Do.
Gay, W. C	Do.
Glidden, Mrs. C. C	Boston, Mass.
Glidden, Mrs. E. M	Do.
Glidden & Williams	Do.
Groot, Simon C	Schenectady, N. Y.
Hopkins, Mark	Sacramento, Cal.
Huntington, C. P	Do.
Huntington, C. P., agent	Do.
Hill, William H	Do.
Hill, Jane E	Do.
Hill, Isabella M	Do.
Harbison, J. S	Do.
Hepburn, George	Do.
Hurley, Miss M. E	Do.
Holmes, E	Do.
Hull & Lohman	Do.
Hartman, G. T	Do.
Hector, I	Do.
Hinkel, William	Do.
Heisch, August	Do.
Heilbron, A	Do.
Heinrich, Charles	Do.
Heppe, Jacob	Do.
Hunt, Eugenie	Do.
Herrick, Jas. H., (in trust)	Do.
Hussey, Silas, Jr	Do.
Heacock, Mrs. E. H	Do.
Hooker, C. G	San Francisco, Cal.
Hooper, S., & Co	Boston, Mass.
Hersey, John H	
Hunt, D. K	
Hillhouse, John	
Irwin, Jared	Sacramento, Cal.
Jelley, Samuel	Do.
Jacobs, N. M	Do.

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Annual report of the Central Pacific Railroad Company, &c.—Continued.

Names of stockholders.	Residence.
Johnson, Peter	Sacramento, Cal.
Jacobs, Elias	Do.
Jacobs, Enoch	Do.
Johnson, Joel	Do.
Johnson, C. F	Do.
Kendall, David	Do.
Klock & Martsfield	Do.
Kemble, Edward C	Do.
Keller, H	Do.
Kraus, Edward	Do.
Keil, John B	Do.
Krambach, L	Do.
Kahl, Tobias	Do.
Kunk, G. F	Do.
Krebs, C. H	Do.
Kimball, Frank Reed	Boston, Mass.
Kimball, Mrs. C. A	Do.
Lombard, C. A	Do.
Lester, J. W	New York, N. Y.
Lynch, Philip	Gold Hill, Nev.
Lord, Holbrook & Co	Sacramento, Cal.
Lindley, T. M	Do.
Lindsey, W. K	Do.
Littleton, M	Do.
Lord, I. D	Do.
Larkin, H. W	Do.
Locke & Larenson	Do.
Loomis, E. I	Do.
Luton, C. B	Do.
Lecompt, Michael	Do.
Lyon & Son	Do.
Lytle, George I	Do.
Lager, Christopher	Do.
Locke, George S	Do.
Lambard, O. D	Do.
Lipman & Co	Do.
Marsh, Charles	Nevada, Cal.
Morse, John F	San Francisco, Cal.
Moore, B. F	Dutch Flat, Cal.
Mills, D. O., & Co	Sacramento, Cal.
McDonald, K. H	Do.
McGuire, James	Do.
Mott, E. B. I	Do.
Mott, F	Do.
Michenfelz, T	Do.
Miller, C	Do.
Managan, P. F	Do.
Meister, John	Do.
Moore, D. Z	Do.
McNeil, John	Do.
Myers, H	Do.
Miller, E. H., jr	Do.
McGlatchy, James	Do.
Morse, Drury	Do.
Mitchell, William	Do.
McDonald, George	Do.
Mason, D. W	Do.
Musser, Samuel	Do.
Nevada, N. S	Do.
Newbaur, A	Do.
Newburg, Leonard	Do.
North, A. W	Do.
O'Neil, James	Do.
Ottman, Ira E	Do.
Ottil, Franz	Do.
Orden, I. B	Do.
Otis, George	Do.
Page, I. T	Do.
Reed, I. S	Do.
Peasley, John	Do.
Parks, John C	Dutch Flat, Cal.
Porch, W. Y	San Francisco, Cal.
Paton, William	New York, N. Y.
Price, Thomas	Do.
Pierce, James M	Do.
Powell, P. H	Sacramento, Cal.
Randal, G	Do.
Rae, Thomas	Do.
Reeves, I. W	Do.
Rau, John	Do.
Rowland, George	Sacramento, Cal.
Robinson, John K	Do.
Ratcliff, William M	Do.
Ready, W. B. & B. F	Do.
Ross, Frank C	Do.
Robbins, S. B	Do.
Rancich, Martin	Do.
Redding, B. B	Do.
Rice, H. B	Do.
Rippon & Hill	Do.
Ripley, I. N	Do.
Robinson, Robert	Do.
Rice, Charles	Mineral Bar, Cal.
Rond, I. P. C	San Francisco, Cal.
Reed, B. T	Boston, Mass.
Russell, I. D	
Stanford, Leland	Sacramento, Cal.
Smith, S. D	Do.
Strong, D. W	Dutch Flat, Cal.
Sargent, A. A	Nevada.
Stockton, Edward	Folsom, Cal.
Smith, C. W	Grass Valley, Cal.
Seaman, I. A	Sacramento, Cal.
Spaulding, W. H	Austin, Nev.
Strobridge, T. W	Sacramento, Cal.
Smith, John	Do.
Scheld, Philip	Do.
Swineston, G. W	Do.
Scott, Mary	Do.
Schade, John	Do.
Strutz, Julius	Do.
Schafer, Louis	Do.
Sutter, Charles	Do.
Sellinger, Charles	Do.
Schmeiser, Georgo	Do.
Stanton, P	Do.
Stevens, Joseph	Do.
Stewart, George W	Do.
Schroer, S. H	Do.
Stanley, L	Do.
Schroeder, H	Do.
Seeger, Robert	Do.
Stewart, Thomas K	Do.
Strimming, C	Do.
Seaton, W. H	Do.
Stanford, A. P	San Francisco, Cal.
Shrew, Jacob	Do.
Shelton, E. N	——, N. Y.
Sherman, R. N	
Sturgeon, E. B	
Sherman, C. Z	
Stewart, David	
Turner, I. N	Nevada.
Turton, Knox & Ryan	Sacramento, Cal.
Turton, William	Do.
Tryon, S	Do.
Thielbar, H	Do.
Teielbar, Dores	Do.
Terry, W. E	
Upson, Lauren	San Francisco, Cal.
Van Heusen, Charles	Sacramento, Cal.
Van Heusen, E. I	Do.
Van Winkle, I. S	Do.
Waite, E. G	Nevada.
Welty, D. W., (in trust)	Sacramento, Cal.
Wheeler, O. C	Oakland, Cal.
Wheeler, C. T	Sacramento, Cal.
Wetzlar, Julius	Do.
Watchorst, Herman	Do.
Weil, Conrad	Do.
Wetty, D. W	Do.
Whitmore, D. W	Do.
Watson, W. S	Do.
Waterhouse, C	Do.
Williams, I. C	Drytown, Cal.
Williams, Mrs. E. L. M	Boston, Mass.
Wason Manufacturing Company.	Springfield, Mass.
Zumalt, Daniel K	Sacramento, Cal.
Zumalt, Jacob	Do.

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SECOND.

Names and residences of the directors and other officers of the company.

Directors.—Leland Stanford, Sacramento, California; C. P. Huntington, New York, N. Y.; E. P. Crocker, Sacramento, California; Mark Hopkins, Sacramento, California; E. H. Miller, jr., Sacramento, California; Charles Marsh, Nevada; A. P. Stanford, San Francisco, California.
President.—Leland Stanford, Sacramento, California.
Vice-president.—C. P. Huntington, New York, N. Y.
Secretary.—E. H. Miller, jr., Sacramento, California.
Treasurer.—Mark Hopkins, Sacramento, California.
Acting chief engineer.—S. S. Montague, Sacramento, California.
Attorney and general agent.—E. B. Crocker, Sacramento, California

THIRD.

Amount of stock subscribed and actually paid in.

Amount of stock subscribed for	$8,580,600
Amount actually paid in	8,504,210

FOURTH.

Description of lines of road surveyed in the year 1866.

REPORT OF CHIEF ENGINEER.

ENGINEER'S OFFICE, CENTRAL PACIFIC RAILROAD, OF CAL.,
Sacramento, February 8, 1867.

Accompanying this please find a condensed description of routes explored and surveyed for the Central Pacific Railroad Company in 1866.

1. *Surveys in California.*

	Miles.
Resurvey and final location of line from Owl Gap (81 miles from Sacramento) to eastern boundary of State of California	57

2. *Surveys in Nevada and Utah.*

Preliminary survey from State line to Big Bend of Truckee	49
And final location survey from State line eastward	34

3. *Lines of explorations for railroad routes between the Big Bend of the Truckee River and Wasatch Mountains, by Mr. Ives.*

	Miles.
1st. From Big Bend of Truckee via Ragtown Pass, Sand Dune Pass, (of the Carson Sink Mountains,) West Gate, White Rock, Edward's Creek Valley, New Pass, and Mount Airy, to Jacobsville, in Reese River Valley	133
2d. A line deflecting to the east from the above at Ragtown Pass; thence across the Humboldt and Carson Desert to Stillwater; thence, via Mount Well's Pass, (of Carson Sink Mountains,) to center of Fairview Valley on former line	57
3d. A line deflecting southeast from first line at west base of Carson Sink Mountains; thence through Sand Spring Pass, and connecting with the first line in Tarriers' Valley	18
4th. A line deflecting to the east from first line at Junction House in Edward's Creek Valley; thence, via Edward's Creek Pass, Smith Creek, and Emigrants' Pass (of the Shoshone Mountains) to Jacobville	48
5th. A line deflecting to the southeast from the first at White Rock, thence via East Gate and O'Donnell Pass, thence northeast through Smith's Valley to Emigrants' Pass on the fourth line	56
6th. A line bearing southeast from the O'Donnell Pass to the town of Ione, thence through the Ione Pass, (Shoshone Mountains,) to Reese River, thence down Reese River Valley to Jacobsville	66

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	Miles.
From Jacobsville continuing first line via Telegraph Pass, (of Toujabe Mountains,) Turner's Creek, Cape Horn, Stage Pass, (Smoky Valley Mountains,) Grubb's Wells, Swallow Cañon, (of Piñon Mountains,) Diamond Valley, Railroad Cañon, north end of Diamond Mountains, Huntington Creek, branch of South Fork of Humboldt River, and Hasting's Pass, to Fort Ruby, in south end of Ruby or Franklin Valley	136
2d. Deflecting to the east from first line at Swallow Cañon, thence across south end of Diamond Valley, through Simpson's Pass of Diamond Mountains, to Gillson's Valley	20
3d. A line deflecting northeast from first at Simpson's Park, via Grass Valley road, to Leake Pass, thence around north end of Park Mountains to Cape Horn on first line	25
4th. Deflecting to the north from Grubb's Wells, over low pass to west side of Robert's Creek Mountains, down Front Creek into Garden Valley; thence southwest through low pass into Grass Valley, through Grass Valley and Summit Springs Pass to Telegraph Pass on first line	100
5th. Deflecting to the northwest from Summit Springs on last line, across the Toujabe Mountains via Silver Creek Pass to Reese River; thence down Reese River to its passage through the Shoshone Mountains; thence northeast via Carico Lake, McMaster's Gap, at north end of the Toujabe Mountains, through south end of Crescent Valley and Cortez Pass into north end of Grass Valley; thence through low pass, fourth line, into Garden Valley, through Garden Valley to Piñon Mountains; thence south along west base of Piñon Mountains, up Cedar Creek, through pass between the Piñon and Robert's Creek Mountains to Swallow Cañon on first line	144
6th. Deflecting to the northwest from first line at Railroad Cañon, following Lieutenant Beckwith's trail of 1854 across the north end of Diamond Valley, and through the lowest pass in the Piñon Mountains to Garden Valley	20
7th. Deflecting to the east from first line in Diamond Valley, thence through the Chokup Pass of the Diamond Mountains to Huntington Creek, on first line	15
Continuing first line from Fort Ruby easterly, along and near the overland stage route, across Ruby Mountains, Butte Mountains, and through the Eagan Mountains by Eagan Cañon and Schell Creek Mountains via Schell Creek Pass, thence around the south end of the Antelope Mountains and through Antelope Valley, Deep Creek Valley, and Unjabi Pass of the Ibenpah Mountains to Redding's Springs, west margin of the desert	130
2d. Passing southerly from Fort Ruby, between the Ruby and East Humboldt Mountains into Cedar Valley, thence southwest across East Humboldt Mountains to Gillson's Valley, thence around the south end of the latter mountains to Simpson's trail, thence following said trail easterly across a low range of mountains, and south end of Long Valley to the Butte Mountains, thence northerly along the Butte Mountains to the stage-road line, thence around the north end of the Butte Mountains into Butte Valley	102
3d. Deflecting south from Eagan Cañon along west base of Eagan Mountains, over a cross range south of Butte Valley to Simpson's trail again, thence on said trail to Hercules Gate, at south end of Eagan Mountains, through said Gate into Steptoe Valley, thence northerly up said valley to Schell Creek, on first line	76
4th. Deflecting to the north from the first line in Antelope Valley to Kinsley mines, on Lieutenant Beckwith's trail of 1854, thence northwest along said trail, passing low ranges, around the north end of Antelope and Schell Creek Mountains, through north end of Steptoe Valley, and around the north end of the Eagan Mountains to east point of Ruby or Franklin Valley	70
5th. From the east end of Ruby Valley easterly through the Goshute Passage to the west margin of the Desert at north end of the Ibenpah Mountains	54
Thence southerly, up valley of Deep Creek, to Deep Creek Station on first line.	25
Continuing first line from Redding's Springs easterly, across the desert, via north end of Granite Mountains, to three buttes of Cedar Mountains, across Skull Valley, and through Johnson's Pass of Onaqui Mountains, Rush Valley, Camp Floyd, to north end of Utah Lake, thence via Valley of Jordan River, to Salt Lake City	140
2d. Deflecting from first line on east side of desert, thence via south end of Cedar Mountains, Point Lookout, pass of Onaqui Mountains, to east side of Rush Valley on first line	46
From Great Salt Lake City westerly, around the south end of Great Salt Lake, north end of Cedar Mountains, across the desert, via Pilot Peak, Middle Pass of Trano Mountains, across Goshute Desert, Pesquoh Mountains, Clover Valley, north end of Ruby Valley, and through Humboldt Pass of East Humboldt Mountains, to Humboldt River	240

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Miles.

2d A line deflecting from the above at north end of Onaqui Mountains, thence across Skull Valley and through Hasting's (road) Pass of the Cedar Mountains, connecting with the above line on east margin of desert 35
From west end of Goshute Passage, Ruby Valley, northerly through Clover Valley, to Humboldt Wells 54
From Humboldt Wells northeast into Thousand Spring Valley, down this valley to its northeast end, thence southeast, down the narrow valley of Hot Spring Creek, between the Trano and Goose Creek Mountains, to sink of the creek south end of Goose Creek Mountains 78
From west end of Thousand Spring Valley southeast into the Goshute Desert 56
A line from Humboldt Wells easterly across first range of mountains, east by a low pass, thence via north end of Peoquop Mountains, north pass of Trano Mountains, passing between the Goose Creek and Onbe Mountains, skirting north margin of the desert to Red Dorm Pass around the north end of Great Salt Lake, and through the south pass of the Promontory Mountains, skirting the mud plains around the head of Bear River Bay to Brigham City, thence along the west base of the Wahsatch Mountains to Weber River, and up Weber River to the head of the lower cañon 221
2d. Deflecting from the last line at southeast point of Raft River Mountains; thence northeast through valley along the southeast base of said mountains to Pilot Springs on Old Emigrant Road; thence southeast, crossing low range of mountains to Spring Bay Valley, through Middle Pass of Promontory Mountains, connecting with above line at Blue Creek 106
3d. Deflecting to the north from main line at Spring Bay, via North Pass of Promontory Mountains; thence on Emigrant Road to Blue Springs, down the valley of Blue Creek to first line 43
From Weber River to Salt Lake City 35

4. *Explorations and surveys for railroad routes between Big Bend of Truckee River and Salt Lake Valley, by Mr. Eppler.*

Miles.

1st. Main line, from Big Bend of Truckee, southeasterly through Ragtown Pass; thence northeasterly across the Humboldt Desert, south of Humboldt and Carson Sink Lake to Sommer's Pass, in the Carson Sink Range; thence from said pass around the north end of the Humboldt Salt Deposit to Boundary Butte Pass through the Augusta Range; thence from said pass across Lone Hill Valley to mouth of Reese River Cañon; thence up said river through its passage through the Shoshone Range to Tumant's Ranch; thence northeasterly across a low summit into Carico Valley; thence through said valley via Carico Lake to McMaster's Gap; thence through said gap and in a northeasterly direction, via Cortez Mines, through Crescent Valley, to a summit near the Humboldt River; thence to the Humboldt River, ten miles above Gravelly's Ford. Total distance from Big Bend of Truckee to the above point 205
2d. A reconnaissance through Shoshone Pass. From a point at the north end of the Humboldt Salt Deposit, through Shoshone Pass in the Augusta Range into Edward's Creek Valley; thence across the north end of said valley into Lone Hill Valley; thence northeasterly through said valley intersecting the main line in the narrow passage connecting Lone Hill Valley with Lower Reese River Valley, distance 52
3d. Reconnaissance around the north side of Boundary Butte. From the same point of deflection, namely: a point at the north end of the Humboldt Salt Deposit, passing through a difficult and rocky cañon near to and north of Boundary Butte into Lone Hill Valley; thence easterly across said valley to the same point of connection as line No. 2 32
From the point of intersection of main line with Humboldt River, line passes down river to Skull Ranch, located on south side of river thirty-six miles below terminus of main line; thence southerly along west base of the Shoshone Mountains, and on east side of Lower Reese River Valley to mouth of Reese River Cañon; distance from Skull Ranch to mouth of said cañon 53
From mouth of cañon westerly alone main line to a point at the north end of the Humboldt Salt Deposit; thence up Big Cottonwood Cañon through Hickman's Pass to the west base of the Carson Sink Range; thence northerly along base of said mountains to McKinney's Pass; thence continues northerly along base of mountains to Bickworth's Pass; distance from point of divergence from main line to Beckwith's Pass, via Hickman's Pass 40

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	Miles.
From Beckwith's Pass southwesterly across Buena Vista Valley via Deep Well Station and Pass, through a depression in the West Humboldt Range, to Humboldt Lake; thence around south end of Lake to the Big Bend of the Truckee, via Hot Springs; distance from Beckwith's Pass, via Deep Well Station and Humboldt Lake	110
Reconnaissance to the north of Hot Springs and between Pyramid Lake and Humboldt River. From Big Bend of Truckee, across Truckee Desert, to the Hot Springs; thence north up Truckee Desert, across a low divide, into Indian Spring Valley; thence northeasterly across said valley to the summit of the divide between Indian Spring and Humboldt River Valleys; thence in the same direction to a point on the river northwesterly from Star Peak; distance from the Big Bend of the Truckee to the above point on Humboldt River	93
Thence westerly along the line of reconnaissance across Indian Spring Valley to a point on Truckee River, five miles above its confluence with Pyramid Lake; thence up said river to the Big Bend, distance from Indian Spring Valley, via point on river, five miles above its mouth, to Big Bend	45
2d. Main line from Big Bend of Truckee River through McKinney's Pass to Skull Ranch. From the Big Bend southeasterly through Ragtown Pass, thence northeasterly across Humboldt and Carson Sink Desert, via Deep Well Station to McKinney's Pass, thence through said pass into Pleasant Valley, thence through a cañon at lower end of valley into Salt Valley, thence across north end of said valley around the point of mountain, seven miles northwest from Boundary Butte, thence northerly over Dacey's divide, thence northeasterly via extreme south point of Copper Mountain, across Lower Reese River Valley to Skull Ranch. Total distance from Big Bend	187
Reconnaissance to the east of Salt Lake. From Gravelly Ford due east over range of mountains into Front Creek Valley and lower part of Garden Valley, thence northeast across mountains to Humboldt River at mouth of Maggie Creek; distance from Gravelly Ford	24
Thence up the river to mouth of the South Fork of the Humboldt, thence up said South Fork to the base of the East Humboldt Range, thence northeasterly along west base of said range to Humboldt Wells; distance from mouth of South Fork, via its source to Humboldt Wells	75
Thence into lower part of Thousand Spring Valley, along the Emigrant Road, thence via Goose Creek, City of Rocks, Head of Raft River, and along Old Emigrant Road to Bear River near its confluence with Great Salt Lake; distance from lower part of Thousand Spring Valley to Bear River	164
From Goose Creek, 12 miles to summit of mountain, on south side of valley; down Goose Creek, 10 miles, from point where Emigrant Road leaves it going east.	
From Summit Valley north, 5 miles, to divide on Idaho road, between Valley and Snake River Plains; south in Summit Valley and across mountains to the southwest, into an arm of the Great Desert	15
5th. Preliminary survey of a railroad line by Mr. Buck, from the Big Bend of the Truckee River, via Say's Station, Truckee Desert, Desert Gate, Sink Humboldt, north side of Humboldt Lake, and thence following the valley of the Humboldt River to Humboldt Wells; distance from Big Bend of Truckee	322
From Humboldt Wells southeasterly, via Clover Valley to Goshute Desert, at eastern base of Peoquop Mountains	45
From Humboldt Wells, northeasterly to Thousand Spring Valley	25

The route adopted for the location of Central Pacific Railroad is via line referred to above, and also in report for the year 1865. Following the valley of the Truckee River from the point where the line first reaches it (near Donner Lake) to the Big Bend; thence via Truckee Desert, Humboldt Sink and Lake, and valley of Humboldt River to the Wells, near the source of the stream; thence in an easterly direction, on line surveyed by Mr. Ives, via north end of Peoquop Mountains, North Pass of Trano Mountains, passage between Goose Creek and Ormbe Mountains, skirting northern margin of the Great Desert, to north end of Great Salt Lake; thence through the South Pass of the Promontory Mountains, skirting round plains north of Bear River Bay to Brigham City; thence along the west base of the Wahsatch Mountains to Weber River, and up said stream to mouth of Weber Cañon.

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Distance from eastern boundary of State of California to Weber Cañon, 588 miles.

SAM. S. MONTAGUE,
Chief Engineer C. P. R. R. of California.

E. H. MILLER, Jr., esq.,
Secretary Central Pacific Railroad Company.

Cost of the surveys of the road.

The surveys of the road made by this company, up to December 31, 1866, have cost	$191,120 75

5. *Amount received from passengers.*

The amount received from passengers on the road during the year is	$252,908 71

6. *Amount received for freight.*

The amount received for freight carried over the road during the year is	$577,728 33

7. *Expenses of operating the road.*

The expenses of operating the road for the year are	$407,707 95

8. *Indebtedness of the company.*

The indebtedness of the company is as follows:

In bonds of the company	$3,506,000 00
In notes of the company	798,000 00
In personal accounts	1,444,288 73
In bonds, United States Government	3,962,000 00
Total	9,710,288 73

STATE OF CALIFORNIA, *County of Sacramento, ss:*

Leland Stanford being duly sworn, says that he is the president of the Central Pacific Railroad Company, of California, and that the foregoing report is true and correct.

LELAND STANFORD.

Subscribed and sworn to before me this 5th day of March, 1867.
[SEAL.]
SAMUEL CROSS,
Notary Public, Sacramento, California.

ANNUAL REPORT OF THE CENTRAL PACIFIC RAILROAD COMPANY OF CALIFORNIA, TO THE SECRETARY OF THE TREASURY OF THE UNITED STATES, FOR THE YEAR ENDING DECEMBER 31, 1867.

FIRST.

Names of stockholders.	Residence.	Names of stockholders.	Residence.
Avery, Sarah E	Sacramento, Cal.	Aspinwall, William H	New York City, N. Y.
Avery, Melissa	Do.	Agnew, A. G	Do.
Arnold, Jacob	Do.	Austin, Mrs. F. L	Albany, N. Y.
Ayers, J. J	San Francisco, Cal.	Bates, C. D	Sacramento, Cal.
Adams, William J	Do.	Booth, L. A	Do.
Ames, Henry	Sacramento, Cal.	Brickell, E. J	Illinoistown, Cal.
Ah, Tony	Do.	Brickell, B	Do.

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Annual report of the Central Pacific Railroad Company, &c.—Continued.

Names of stockholders.	Residence.
Bradley & Trim	Dutch Flat, Cal.
Beans, T. E	Nevada, Cal.
Bithell, James	Sacramento, Cal.
Burnham, W. C	Do.
Bert, B.	Do.
Browner, Joseph	Do.
Beck, Robert	Do.
Bell, T	Do.
Brown, R. T.	Do.
Brown, David	Do.
Beiner, John, & Co	Do.
Banquier, Joseph	Do.
Barnes, C	Do.
Bowman, Ida	Do.
Bowman, W. J	Do.
Blum, E	Do.
Burke, E	Do.
Baker, Thomas	Do.
Barack, Marcus D	San Francisco, Cal.
Bancroft, E. P., trustee	Boston, Mass.
Bragg, H. W	Sacramento, Cal.
Bond, John	Do.
Brooks, Noah	
Bauman, Samuel	San Francisco, Cal.
Barnes, George F	Do.
Bacon, Seth	Sacramento, Cal.
Barncamp, Mrs. E	Oakland, Cal.
Baring, H. A. and others, trustees	New York City, N. Y.
Baxter John A	San Francisco, Cal.
Bacon, J. S	Do.
Bement & Dougherty	Philadelphia, Pa.
Bull, Marcus	Troy, N. Y.
Bergin, Thomas J	San Francisco, Cal.
Bates, Sarah R	
Becker, Charles	Sacramento, Cal.
Cole, C	Do.
Oliver, James H	Do.
Cummings, C. H	Do.
Crocker, H. S	Do.
Cook, Hiram	Do.
Cranne, Mrs. M. C	Do.
Converse, Charles H	Do.
Conrad, John	Do.
Conrad, Martin	Do.
Donalber, F	Do.
Clark, D. W	Do.
Cook, T. H	Do.
Cahill, A	Do.
Carr, E. B	Do.
Crocker, B. R	Do.
Campbell, James	Do.
Coman, W. P	Do.
Charlie, H	Do.
City of Sacramento	Do.
City of Placer	Placer County, Cal.
Chamberlain, O. L	Sutter Creek, Cal.
Case, Charles M	San Francisco, Cal.
Crary, L. B	Oswego, N. Y.
Crocker, Mrs. Anna E	Do.
Campbell, D. D	Schenectady, N. Y.
Cox, Nicholas	Do.
Crow, N. L	Sacramento, Cal.
Crow, N. L. & Co	Do.
Cox, D. H	Do.
Carr, James A	Do.
Cole, E	Do.
Chase, W. J	Do.
Carr, William	Do.
Corrigan, J	Do.
Daggett, C. K	Do.
Dall, Henry	Do.
Dean, Mrs. G. M	Do.
Davis, Mrs. S. A	Do.
Durant, Alphonsine	San Francisco, Cal.
Dean, William	Do.
Davis, T. T	New York, N. Y.
Dewey, Martin	Schenectady, N. Y.
Dow, Volkert W	Do.
Dix, Mrs. H. L	Do.
Dodge, W. C	Sacramento, Cal.
Dorr, Daniel W	Do.

Names of stockholders.	Residence.
Everett, W. L	Sacramento, Cal.
Ebner, C. & T	Do.
Egl, A	Do.
Frye, W. R. S	Do.
Friend & Terry	Do.
Franklin, P	Do.
Floberg, J. P	Do.
Fitzpatrick, M	Do.
Foote, L. H	Do.
Frey, J. M	Do.
Foster, F	Do.
Friend, J. S	Do.
Forney, J. W	Philadelphia, Pa.
Forster, Peter B	San Francisco, Cal.
Franchot, Antoinette	Syracuse, N. Y.
Gillig, John	Sacramento, Cal.
Gallatin, Albert	Do.
Grahler, Jacob	Do.
Greenlaw, A. S	Do.
Greenbaum, Moses	Do.
Gotthold, Gustave	Do.
Goxort, Eugene	Do.
Grim, Charles H	Do.
Gruhler, Christ	Do.
Gruhler, Elias	Do.
Gay, W. C	Do.
Glidden, Mrs. C. C	Boston, Mass.
Glidden, Mrs. E. M	Do.
Glidden & Williams	Do.
Groot, Simon C	Schenectady, N. Y.
Goodman, Ira	Yonkers, N. Y.
Hopkins, Mark	Sacramento, Cal.
Hill, William H	Do.
Holmes, H. T	Do.
Harbison, J. S	Do.
Hepburn, George	Do.
Hurley, Mrs. M. E	Do.
Holmes, E	Do.
Hartman, G. T	Do.
Hector, J	Do.
Hersch, August	Do.
Heilborn, A	Do.
Heinrich, Charles	Do.
Heppe, Jacob	Do.
Hunt, Mrs. Eugenie	Do.
Hill, Jane E	Do.
Hill, Isabella M	Do.
Herrick, James H	Do.
Hussy, Silas, jr	Do.
Heacock, Mrs. E. H	Do.
Hill, Joseph	Do.
Hunt, D. R	Do.
Huntington, C. P	New York, N. Y.
Hillhouse, John	Do.
Hooper, S., & Co	Boston, Mass.
Hooker, C. G	San Francisco, Cal.
Irwin, Jared	Sacramento, Cal.
Jelly, Samuel	Do.
Jacobs, N. M	Do.
Johnson, Peter	Do.
Jacobs, Elias	Do.
Jacobs, Enoch	Do.
Johnson, Joel	Do.
Johnson, C. F	San Francisco, Cal.
Kendall, David	Sacramento, Cal.
Klink & Martfield	Do.
Kimble, E. C	Do.
Kohler, H	Do.
Kraus, Edward	Do.
Kohl, John B	Do.
Krumback, L	Do.
Kadel, Tobias	Do.
Krebs, C. H	Do.
Kimball, Frank Reed	Boston, Mass.
Kemball, Mrs. Ca	Do.
Lambord, C. A	Do.
Lester, J. W	New York, N. Y.
Lynch, Philip	Forest Hill, Cal.
Lindley, Mrs. Isabell V	Sacramento, Cal.
Lindsey, W. K	Do.
Littleton, M	Do.
Lord, J. D	Do.

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Annual report of the Central Pacific Railroad Company, &c.—Continued.

Names of stockholders.	Residence.
Lord, Holbrook & Co.	Sacramento, Cal.
Larkin, H. W.	Do.
Locke & Larenson	Do.
Loomis, E. J	Do.
Linton, C. B	Do.
Lindley, T. M	Do.
Lecompt, M.	Do.
Lyon & Son	Do.
Lytle, George J	Do.
Lager, Christopher	Do.
Locke, George S.	Do.
Lambard, O. D	Do.
Lipman & Co.	Do.
Mills, D. O., & Co.	Do.
Mott, E. B. jr	Do.
Mahon, D. W	Do.
Moore, George R.	Do.
Mier, F.	Do.
Muhlenfels, T	Do.
Meyer, C	Do.
Managan, P. F.	Do.
Meister, John	Do.
Mosier, Samuel	Do.
Moore, D. Z.	Do.
Myers, John	Do.
Miller, E. H., jr	Do.
Melone, Drury	Do.
Mansfield, William	Do.
Michenor, W. P.	Do.
Marsh, Charles	Nevada, Cal.
Moore, B. F.	Dutch Flat, Cal.
Morris, William	Utica, N. Y.
McDonald, R. H	Sacramento, Cal.
McGuire, James	Do.
McNeil, John G.	Do.
McNeil, John	Do.
McClatchey, James	Do.
McDonald, George	Do.
Nichols, N. S.	Do.
Neubaur, A.	Do.
Newburg, L	Do.
North, A. W	Virginia, Nev.
O'Neil, James	Sacramento, Cal.
Oatman, Ira E	Do.
Ochs, George	Do.
Oettil, Franz	Do.
Ogden, J. B	New York, N. Y.
Osborn, D. W	Virginia, Nev
Pike, J. T	Sacramento, Cal.
Pond, J. S.	Do.
Peasley, John	Do.
Peake, C. A	Do.
Parks, John C.	Dutch Flat, Cal.
Pierce, George W	Yolo Co., Cal.
Paton, William	New York, N. Y.
Paton, Thomas	Do.
Phillips, R. J.	Do.
Pruyn, John V. L. Y	Albany, N. Y.
Powell, A. C	Syracuse, N. Y.
Russell, P. H.	Sacramento, Cal.
Ross, Thomas	Do.
Reeves, J. W	Do.
Ryan, John	Do.
Rowland, George	Do.
Robinson, John R.	Do.
Radcliff, William M.	Do.
Ready, W. B. & B. F	Do.
Ross, Frank C	Do.
Robbins, S. B	Do.
Rancich, Martin	Do.
Redding, B. B.	Do.
Rice, H. B	Do.
Rippon & Hill	Do.
Ripley, J. M	Do.
Robinson, Robert	Do.

Names of stockholders.	Residence.
Rippon, William	Sacramento, Cal.
Rice, Charles	Mineral Bar, Cal.
Russell, J. D	New York, N. Y.
Reed, B. F	Boston, Mass.
Rond, J. P. C.	San Francisco, Cal.
Stanford, Leland	Sacramento, Cal.
Smith, S. D.	Do.
Seaman, J. A.	Do.
Spaulding, William H.	Do.
Strobridge, T. W	Do.
Smith, John	Do.
Scheld, Phillip	Do.
Swineston, G. H	Do.
Scott, Mary	Do.
Soule, E Md.	Do.
Schade, John	Do.
Strutz, Julius	Do.
Schaffer, Louis	Do.
Sutter, Charles	Do.
Selbruger, Charles	Do.
Stanton, P	Do.
Stevens, Joseph	Do.
Stewart, George W	Do.
Schrover, S. H	Do.
Stanley, Lee	Do.
Schroder, H.	Do.
Seeger, Robert	Do.
Stewart, Thomas K.	Do.
Stremming, C.	Do.
Seaton, W. H	Do.
Strong, D. W.	Dutch Flat, Cal.
Sargent, A. A.	Nevada, Cal.
Stockton, Edward	Folsom, Cal.
Smith, C. W	Grass Valley, Cal.
Stanford, A. P	San Francisco, Cal
Shrew, Jacob	Do.
Selly, T. H.	Do.
Sherman, C. Z.	New York, N. Y.
Stewart, David	Do.
Schemerhorn, B. J	Schenectady, N. Y.
Story, A. G	Little Falls, N. Y.
Steele, Mrs. A. E	Kingston, N. Y.
Strahle, Jacob	San Francisco, Cal.
Turton, Knox & Ryan	Sacramento, Cal.
Turton, William	Do.
Tryon, S.	Do.
Threlbaur, H	Do.
Threbaur, Dores	Do.
Terry, W. F	Do.
Turner, J. W	Nevada, Cal.
Townsend, Theodore	Albany, N. Y.
Upson, Lauren	Sacramento, Cal.
Van Henson, Charles	Do.
Van Henson, E. J.	Do.
Van Winkle, John N.	Do.
Van Reussalaer, Mrs. J.	Morris.
Wait, E. G	Nevada, Cal.
Welty, D. W., (in trust)	Sacramento, Cal.
Wheeler, O. C	Do.
Wheeler, C. T	Do.
Wetzler, Julius	Do.
Walchhurst, Herman	Do.
Wul, Conrad	Do.
Welty, D. W.	Do.
Whitmore, D. W.	Do.
Watson, W. S.	Do.
Waterhouse, C.	Do.
Warring, Amos	Do.
Wollet, C	Do.
Williams, C	Drytown, Amador Co. Cal.
Williams, Mrs. E. L. M.	Boston, Mass.
Zumalt, Daniel K	Sacramento, Cal.
Zumalt, Jacob	Do.

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SECOND.

The names and residences of the directors and all officers of the company.

Directors.—Leland Stanford, Sacramento, California; E. B. Crocker, Sacramento, California; Mark Hopkins, Sacramento, California; E. H. Miller, jr., Sacramento, California; Charles Marsh, Nevada, California; A. P. Stanford, San Francisco, California; C. P. Huntington, New York, New York.

President.—Leland Stanford, San Francisco, California.

Vice-president.—C. P. Huntington, New York, New York.

Secretary.—E. H. Miller, jr., Sacramento, California.

Treasurer.—Mark Hopkins, Sacramento, California.

Acting Chief Engineer.—S. S. Montague, Sacramento, California.

Attorney and general agent.—E. B. Crocker, Sacramento, California.

THIRD.

The amount of stock subscribed is	$14,923,400 00
Amount thereof actually paid in	13,854,540 00

FOURTH.

For a description of the lines of road surveyed by this company, and the lines thereof fixed upon for the construction of the road to January 1, 1867, we would respectfully refer to the former annual reports of the company, made to the Secretary of the Treasury. In addition thereto, the following surveys have been made:

	Miles.
Revision of location, west of summit	6
Revised location between summit of Sierra Nevada and eastern boundary of California	25
Final location in State of Nevada	20
Preliminary survey from Humboldt Wells to eastern boundary of Nevada	67
From eastern boundary of Nevada to mouth of Weber Cañon, Salt Lake Valley	165
From Weber Cañon to mouth of Ham's Fork	142
From mouth of Ham's Fork to Big Timbers, Bear Lake Valley	105

Trial lines.

Between Humboldt Wells and Ham's Fork	76
From Big Timbers to Ogden Summit, on Bear Lake road	62
Line west of Bear Lake:	18
down Blacksmith's Fork to Caché Valley	23
Chalk Creek line, from Weber Station to Sulphur Creek	47
From Big Timbers down Bear River to Salt Lake Valley, intersecting line from Humboldt Wells to Weber Cañon, at north end of Bear River Bay	137
From junction of Yellow Creek and Bear River up Butte Creek, over the summit of the "rim of the basin," near Medicine Butte, to a branch of the Little Muddy; thence south and west to the mouth of Sulphur Creek; thence up Bear River to Chalk Creek line	41
From Passage Creek to the summit of the Goose Creek Mountains	80
From Ogden City, by way of Ogden River, East Summit, Wahsatch Mountains, head of Lost Creek, to Weber Station, mouth of Echo Creek	98
The Uintah Mountains south of Chalk Creek, and in Bear River	30
From Sulphur Creek, a tributary of Bear River, along the northern base of Uintah Mountains to Henry's Fork, a tributary of Green River	60
From Henry's Fork to Fort Bridger	35
From Fort Bridger across Big and Little Muddy Forks, to summit of the "rim of the basin;" thence north on the summit, to Rock Creek; thence easterly through Hodge's Pass, and down Ham's Fork to its junction with Black's Fork	112
From Ham's Fork to summit of divide west of Green River	30

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	Miles.
Reconnaissance of the sources of Ham's Fork and Smith's Fork, (a tributary of Bear River,) and of Salt Creek and John Day's River, (tributaries of Snake River;) thence across the mountains to Big Timbers, in Bear Lake Valley....	130

Triangulations.

From Big Bend of Truckee to Star Peak	90
From Star Peak to mouth of Reese River	80
Total distance traveled by transit party from time of leaving Humboldt Wells, June 28, until returning to Salt Lake, November 17, including surveys and excluding travel to and from camp	950
Total distance traveled by exploring party from time of leaving Humboldt Wells, June 28, till their arrival at Salt Lake City, November 17, including surveys	1,430

Cost of surveys.

The cost of the surveys made by this company up to December 31, 1867, is	$258,639 30

5. *Receipts from passengers.*

The amount received from passengers on the road during the year is..	$332,150 56

6. *Receipts from freight.*

The amount received for freight on the road during the year is	$1,028,795 61

7. *Expenses of the road.*

The expenses of said road and its fixtures for the year are	$766,829 31

8. *Indebtedness of the company.*

In bonds of the company	$6,414,350 00
In notes of the company	4,125,531 20
In personal accounts	2,460,697 92
For bonds, (U. S. Government)	6,074,000 00
Total	19,074,579 12

STATE OF CALIFORNIA, *County of Sacramento:*

Leland Stanford, being duly sworn, says that he is the president of the Central Pacific Railroad Company of California, and that the foregoing report is true and correct.

LELAND STANFORD.

Subscribed and sworn before me the 12th day of March, 1865.

EDW. CADWALADER,
Notary Public.

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ANNUAL REPORT OF THE UNION PACIFIC RAILROAD COMPANY TO THE SECRETARY OF THE TREASURY OF THE UNITED STATES, FOR THE YEAR ENDING DECEMBER 31, 1865.

Name of stockholders.	Residence.	No. of shares.	Name of stockholders.	Residence.	No. of shares.
Ames, Oliver	Boston, Mass	500	Husford, O. P	Omaha, Nebr	10
Andrews, S	New York, N. Y	200	Jordan, R. S	New York, N. Y	50
Ames, S. J	do	200	Jones, D	do	200
Ashley, O. D	do	200	Jerome, A. G	do	200
Bamford, H. W	do	200	Jerome, L. W	do	200
Barr, J. J	Blairstown, N. J	200	Kennedy, James C	Washington	100
Barney, D. N	New York, N. Y	200	Ketchum, Morris	New York, N. Y	200
Beckford, R. M	do	200	Kountze, August	Omaha, Nebr	50
Belmont, J	do	200	Lanier, J. F. D	New York, N. Y	50
Belmont, August	do	100	Lombard, C. A	Boston, Mass	550
Bird, Clark	do	600	Low, A. A	New York, N. Y	200
Bradhead, E. C	do	200	Maxwell, J. D	do	100
Brewer, G. T. & Co	do	200	Merriam & Bell	do	200
Brod, Henry	do	200	Mead, Cornelius	do	200
Butler, E	do	100	McCready, F. H	do	200
Cheshrough, C. S	New Haven, Conn	1,500	McAndrews & Wann	do	200
Comerfield, John	Utica, N. Y	100	McCormick, C. H	Chicago, Ill	50
Cooper, A. L	New York, N. Y	100	McComb, H. S	Wilmington, Del	100
Crane, Milo J	Boston, Mass	150	McPherson, W. M	Saint Louis, Mo	50
Dater, J. G., trustee	New York, N. Y	200	McCormick, John	Omaha, Nebr	10
Dana, George W	Pittsburgh, Pa	50	Megeath, J. G	do	10
Dodge, Edward	New York, N. Y	200	Nally, R	New York, N. Y	200
Farmer, B. F	do	100	Nickerson, F	Boston, Mass	250
Frank, J. J	do	50	Ogden, W. B	Chicago, Ill	100
Campbell, Allan	do	50	Opdyke, George	New York, N. Y	200
Chapman, C. S	Boston, Mass	250	Pratt, George W	do	200
Chamberlain, J. F	New York, N. Y	150	Price, J. M	do	200
Carrington, D. N	do	200	Pomeroy, S. C	Atchison, Kans	50
Cooley, A. N	Glens Falls, N. Y	200	Pruyn, J. V. L	Albany, N. Y	200
Crane, H. C	New York, N. Y	400	Quintard, G. M	New York, N. Y	200
Cisco, John J	do	200	Richards, T. P	do	200
Clark, Pickering	do	100	Richmond, Dean	Batavia, N. Y	200
Cook, Ebenezer	Davenport, Iowa	400	Rickley, John	Omaha, Nebr	100
Dittenden, S. B	New York, N. Y	100	Rosekrans, E. H	Glens Falls, N. Y	200
Durant, Erastus	Albany, N. Y	200	Russell, C. H	New York, N. Y	200
Dodge, N. B	Iowa	200	Scranton, J. H	Scranton, Pa	500
Ely, John	Boston, Mass	500	Seymour, S	New York, N. Y	300
Fisher, Clark & Bridge	New York, N. Y	100	Sweesey, W. J	Omaha, Nebr	10
Fisher, Sidney	do	250	Sheldon, C. R	New York, N. Y	150
Gibbs, G. T. M	do	200	Smith, Samuel B	do	200
Gray, J. A	do	200	Smith, Frans	Omaha, Nebr	10
Hoxie, David	do	100	Smith, George R	do	10
Durant, W. T	Davenport, Iowa	200	Shipman, E. Van W	Philadelphia, Pa	300
Durant, W. W	New York, N. Y	200	Sloan, Samuel	New York, N. Y	50
Durant, Thomas C	do	3,050	Tracy, John F	Chicago, Ill	200
Hoxie, W. E	do	200	Train, George F	New York, N. Y	200
Hoxie, G. M	Chicago, Ill	100	Train, W. D	do	200
Hoxie, H. W	New York, N. Y	50	Travers, W. R	do	200
Hoxie, Ransom	do	50	Tilden, William	do	100
Hoxie, E. T. H	do		Tiffany & Co	do	100
Jackson, W. T	Boston, Mass	500	Thompson, J. E	Philadelphia, Pa	50
Jaquell, M. H	New York, N. Y	160	Thompson, G. A	New York, N. Y	50
Jerwold, George	do	200	Tuttle, Charles	do	200
Jones, Charles	do	200	Tuttle, J. F	do	200
Jones, G. B	do	200	Ulrich, John	Philadelphia, Pa	650
Alexander	Philadelpia, Pa	200	VanSharick & Masset	New York, N. Y	200
Franklin	Peacedale, R. I	100	Watkinson, R	do	100
H. R. G	do	250	Weed, T	Albany, N. Y	100
Kay, Ben	New York, N. Y	200	Williams, N. S	Iowa	200
Lam & Jerome	do	200	Williams & Guion	New York, N. Y	50
John E	Davenport, Iowa	400	William, J. M. S	Boston, Mass	700
G. W	New York, N. Y	200	Winston, F. S	New York, N. Y	50
H. M	Des Moines, Iowa	1,750	Young, Brigham	Gt. Salt Lake City	50

Directors.—George Opdyke, New York, New York; John A. Dix, New York, New York; Thomas C. Durant, New York, New York; C. S. Bushnell, New Haven, Connecticut; Brigham Young, Salt Lake City; C. H. McCormick, Chicago, Illinois; J. F. Tracy, Chicago, Illinois; Ebenezer Cook, Davenport, Iowa; John J. Cisco, New York, New York;

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E. H. Rosekrans, Glens Falls, New York; H. S. McComb, Wilmington, Delaware; Pickering Clark, New York, New York; Charles Tuttle, New York, New York; C. A. Lambard, Boston, Massachusetts; John E. Henry, Davenport, Iowa.

President.—John A. Dix, New York, New York.

Vice-president.—Thomas C. Durant, New York, New York.

Treasurer.—John J. Cisco, New York, New York.

Secretary.—Charles Tuttle, New York, New York.

Government directors.—Springer Harbaugh, Pittsburgh, Pennsylvania; T. J. Carter, New York, New York; George Ashman, Springfield, Massachusetts; C. T. Sherman, Mansfield, Ohio; J. L. Williams, Fort Wayne, Indiana.

Amount of stock subscribed.

The total amount of stock subscribed to January 1, 1866, was twenty-eight thousand, five hundred and seventy shares, on which there has been paid from ten to twenty per cent., amounting to $400,950.

Surveys.

1st. The line from station 150 west of Omaha to station 900 was changed from the location as filed and approved by the President of the United States, in order to reduce the maximum grades from 80 to 30 feet per mile.

2d. A located line was run from the end of the first 100 miles over the second 100 miles, to the vicinity of Fort Kearney.

3d. Experimental lines were run in both directions, obliquely across the divide between the valley of the Platte River and the valley of the Republican River, east of the 100th meridian of longitude.

4th. An experimental line was run from the west end of the second 100 miles, up the valleys of the main Platte, South Platte, and Cache la Poudre Rivers, to La Porte.

5th. The line of 1864, from La Porte up the valley of the Cache la Poudre to Antelope Pass, was re-surveyed.

6th. An experimental line was run from Camp Wallach, in the valley of Lodge Pole Creek, along the divide between the Lodge Pole and Crow Creek, to an intersection with the Cache la Poudre line on Laramie Plains.

7th. The line of 1864, around the sand-hills on the south side of Weber River, was re-surveyed, and thrown farther up on the north slope of the Wasatch Mountains.

8th. The line of 1864 was also revised at the head of Echo Creek.

9th. An experimental line was run from station 7,461 of the survey of 1864, in the valley of Black's Fork, thence up the valleys of Harris Fork, the Sandy and Pacific Creeks to the South Pass, and thence down a small stream to the valley of the Sweetwater.

10th. An experimental line was also run from station 8,201 of the survey of 1864, in the valley of Black's Fork, thence down that valley and over the divide between Black's Fork and Green River, to the mouth of Bitter Creek, and an intersection with the surveys of 1864.

11th. An experimental line was also run from Great Salt Lake City westerly across the Cedar Mountains, the Desert, and the Humboldt Mountains, to the valley of the Humboldt River, a distance of 208.8 miles.

This also embraces an instrumental examination of several routes

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between fixed points on the main line) across the Cedar and Humboldt mountains.

Cost of surveys.

Total cost of surveys to date is	$205,012 12

Receipts from passengers.

There has been no passenger or freight traffic on the road; consequently there were no receipts from either.

Expenses of the road.

Expenses of said road and fixtures	$4,811,266 83

Indebtedness of the road.

Due for construction	$2,984,835 80
Due for loans and bills payable	1,323,701 52
Total	4,308,537 32

JOHN A. DIX,
President Union Pacific Railroad Company.

NEW YORK, *January* 1, 1866.

STATE OF NEW YORK, *City and County of New York, ss:*

John A. Dix, president of the Union Pacific Railroad Company, being duly sworn, deposeth and saith, that the foregoing statements in the annual report of the said railroad company, so far as he knows of his own knowledge, are true, and so far as his information is derived from the books and employés of the company, he believes to be true.

JOHN A. DIX,
President Union Pacific Railroad Company.

Sworn and subscribed before me this 22d day of June, 1866. Witness my hand and notarial seal.

[SEAL.]

JETUR GARDINER,
Notary Public.

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ANNUAL REPORT OF THE UNION PACIFIC RAILROAD COMPANY FOR THE YEAR ENDING DECEMBER 31, 1866.

FIRST.

Names of stockholders.	Residence.	Names of stockholders.	Residence.
Ames, Oliver	Boston, Mass.	Hazard, R. G	Peacedale, R. I.
Ames, Oakes	Massachusetts.	Hazard, Rowland	Do.
Atkins, Elisha	Do.	Hazard, Isaac P	Do.
Alley, J. B	Do.	Hooper, Samuel & Co	Massachusetts.
Baker, I. H	Do.	Hall, Charles M	Pennsylvania.
Barnes, Oliver W	Pennsylvania.	Halliday, Benjamin	New York, N. Y.
Bardwell, Josiah	Massachusetts.	Jones, David	Do.
Bushnell, C. T	New Haven, Conn.	King, John L	Massachusetts.
Bates, Benjamin E	Massachusetts.	Lambard, Charles A	Boston, Mass.
Chapman, O. L	Boston, Mass.	Macy, William H	New York, N. Y.
Cisco, John J	New York, N. Y.	Meyer, E. A	Pennsylvania.
Crane, H. C	Do.	McComb, H. L	Delaware.
Clark, Pickering	Do.	McCormick, Cyrus H	Illinois.
Dillon, Sidney	Do.	Nickerson, Frederick	Massachusetts.
Duff, John	Boston, Mass.	Nickerson, Thomas	Do.
Dix, John A	New York, N. Y.	Nickerson, Joseph	Do.
Durant, W. P	Davenport, Iowa.	Opdyke, George	New York, N. Y.
Durant, T. C	New York, N. Y.	Pohl, Paul, jr	Pennsylvania.
Forbes, W. D	Massachusetts.	Stewart, B. D	Do.
French, L. Eugene	New York, N. Y.	Scranton, J. H	Do.
Gliddon, W. T	Boston, Mass.	Tuttle, Charles	New York, N. Y.
Grimes, James W	Iowa.	Tracey, John F	Illinois.
Gray, G. Griswold	New York, N. Y.	Train, George Francis	New York, N. Y.
Gilmore, E. W	Massachusetts.	Williams, I. M. S	Boston, Mass.
Gray, H. Winthrop	New York, N. Y.	Waite, C. C	Illinois.
Gilbert, H. I	Massachusetts.	Williams & Guion	Massachusetts.
Gilbert, Horatio	Do.		

Directors.—John A. Dix, New York, New York; Thomas C. Durant, New York, New York; C. S. Bushnell, New Haven, Connecticut; Charles Tuttle, New York, New York; John J. Cisco, New York, New York; H. S. McComb, Delaware; Charles A. Lambard, Boston, Massachusetts; Oliver Ames, Boston, Massachusetts; C. H. McCormick, Illinois; John Duff, Massachusetts; Josiah Bardwell, Massachusetts; Sidney Dillon, New York, New York; W. H. Macey, New York, New York; John F. Tracey, Illinois; Edward Cook, Iowa.

President.—John A. Dix, New York, New York.

President pro tem.—Oliver Ames, Boston, Massachusetts.

Vice-president.—Thomas C. Durant, New York, New York.

Treasurer.—John J. Cisco, New York, New York.

Secretary.—Charles Tuttle, New York, New York.

Government directors.—Springer Harbaugh, Pittsburgh, Pennsylvania; T. J. Carter, New York, New York; George Ashman, Springfield, Massachusetts; George T. Sherman, Cleveland, Ohio; J. L. Williams, Fort Wayne, Indiana.

Lines of road surveyed, and lines fixed upon, with cost of survey.

Surveys have been made up the valley of Lodge Pole Creek, Lone Tree Creek, Crow Creek, Pawnee Creek, Cut Bluff Creek, at the head of the Great Platte Valley, and over the Black Hill range of the Rocky Mountains to the Laramie River Cañon, and west of Denver City up the valley of Clear Creek and its tributaries across Bethond's Pass to the valley of Moses Creek, also over the summit of the head of Boulder Creek, all of which surveys have resulted in the adoption by the company of a located line for the construction of the road, following up the Platte Valley to the mouth of Lodge Pole Creek, thence up the valley of Lodge Pole Creek, and across the divide between Lodge Pole and

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Crow Creek, to the eastern base of the Rocky Mountains, thence across Crow Creek, and following the divide between Crow Creek and Lone Tree Creek to the summit of Black Hill range of the Rocky Mountains at Evans's Pass, thence obliquely down the westerly slope of the Black Hill range to the Laramie Plains, and the crossing of the Laramie River, which western point of final location is miles west of the initial point on the west bank of the Missouri River at Omaha.

Instrumental surveys have also been made from the westerly end of the surveys of 1865, to an intersection with the Central Pacific Railroad, of California, at the east line of the State of California, which, with the surveys previously made, forms an unbroken line of instrumental surveys across the continent.

The cost of the foregoing surveys is $150,000.

The extent of line surveyed has been 2,318 miles, in addition to which marches and reconnaissances, incidental thereto, have been made, equal to 3,756 miles.

FIFTH AND SIXTH.

The road has been operated by contractors, and, therefore, nothing has been received for freight or passengers.

SEVENTH.

Expense of the road.

The entire cost for three hundred and five miles of the road, including equipment, is $16,522,742 81.

EIGHTH.

Indebtedness of the company.

United States Government	$4,320,000 00
Bills payable and loans	3,770,998 43
Total	8,090,998 43

OLIVER AMES,
President pro tem. Union Pacific Railroad Company.

STATE OF NEW YORK, *City and County of New York, ss:*

Oliver Ames, President *pro tem.* of the Union Pacific Railroad Company, being duly sworn, deposeth and saith that the foregoing statements in the annual report of the said railroad company, so far as he knows of his own knowledge, are true, and so far as his information is derived from the books and employés of the company, he believes to be true.

OLIVER AMES,
President pro tem. of Union Pacific Railroad Company.

Subscribed and sworn to before me this 28th day of June, 1867.

T. B. WAKEMAN,
Notary Public, New York City and County.

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ANNUAL REPORT OF THE UNION PACIFIC RAILROAD COMPANY TO THE SECRETARY OF THE TREASURY, FOR THE YEAR ENDING DECEMBER 31, 1867.

FIRST.

Names of stockholders.	Residence.	Names of stockholders.	Residence.
Alley, John B.	Lynn, Mass.	Hazard, Isaac P.	Newport, R. I.
Ames, Oakes	North Easton, Mass.	Hazard, Mary P	Do.
Ames, Oakes, trustee	Do.	Hazard, Rowland	Do.
Ames, Oliver	Do.	Hazard, Rowland G.	Peacedale, R. I.
Andrews, Frank W.	Boston, Mass.	Hazard, Annie	Newport, R. I.
Atkins, Elisha	Do.	Hedden, Josiah	New York, N. Y.
Baker, Ezra H	Do.	Hobart, Aaron, jr	Boston, Mass.
Baker, Ezra H., jr	Do.	Halladay, Benjamin	New York, N. Y.
Bardwell, Josiah	Do.	Hooper, Samuel, & Co	Boston, Mass.
Bardwell, Josiah, trustee	Do.	Horner, Anna	Newport, R. I.
Barnes, Oliver W	Philadelphia, Pa.	Hotchkiss, Henry	New Haven, Conn.
Bates, Benj. E	Boston, Mass.	Jenks, Barton H.	Philadelphia, Pa.
Bates, Benj. E., treasurer and contractor	New York, N. Y.	Johnston, James B.	New York, N. Y.
Bates, Benj. E., trustee for Mrs. L. E. Nourse	Boston, Mass.	Jones, David	Do.
Beard, Eli	New Haven, Conn.	King, John L	Springfield, Ill.
Beard, Sylvester M	Do.	Lombard, Charles A	Boston, Mass.
Bell, Clark	New York, N. Y.	Lockwood, Le Grand	New York, N. Y
Blood, Henry	Do.	Low, Abiel A	Do.
Boyer, B. M.	Norristown, Pa.	Macy, William H.	Do.
Bradford, Gamaliel	Boston, Mass,	McComb, Henry S	Wilmington, Del.
Bristol, William B	New Haven, Conn.	McCormick, Cyrus H	New York, N. Y.
Bushnell, Cornelius S	Do.	McNeil, Robert G. S	Philadelphia, Pa.
Chapman, Oliver S	Canton, Mass.	Moore, E. C.	New York, N. Y.
Cisco, John J	New York, N. Y.	Meyer, E. Reed	Philadelphia, Pa.
Cook, Ebenezer	Davenport, Iowa.	Neilson, Charles H.	New York, N. Y.
Clook, Clarissa C.	Do.	Nickerson, Frederick	Boston, Mass.
Crane, Henry C.	Yonkers, N. Y.	Nickerson, Joseph	Do.
Crane, Henry C., trustee	New York, N. Y.	Nickerson, Thomas	Do.
Credit Mobelier of America	Philadelphia, Pa.	Opdyke, George	New York, N. Y.
Cummings, William A.	Darien, Conn.	Peck, Nathan	New Haven, Conn.
Davis, John M.	New Haven, Conn.	Pigot, Joseph B.	New York, N. Y.
Dillon, Sidney	New York, N. Y.	Pohl, Paul, jr	Philadelphia, Pa.
Dodge, Mrs. Anna	Council Bluffs, Iowa.	Robbins, Henry C.	New York, N. Y.
Duff, John	Boston, Mass.	Robbins, Royal E	Boston, Mass.
Duff, John Robertson	Do.	Sanford, Henry	New Haven, Conn.
Durant, William F.	New York, N. Y.	Scranton, Joseph H	Scranton, Pa.
Durant, Thomas C	Do.	Skinner, F. & Co.	Boston, Mass.
Emmerson, Charles	Do.	Skinner, F., &Co., trustees	Do.
Fessenden, Sewall H.	Boston, Mass.	Smith, J. N	New York, N. Y.
Forbes, W. D	Do.	Steteon, Thomas M	New Bedford, Mass.
Foster, Pierpont B.	New Haven, Conn.	Stewart, Benedict D	Philadelphia, Pa.
French, L. Eugene	New York, N. Y.	Thatcher, Isaac.	Boston, Mass.
Gilbert, Horation	Boston, Mass.	Timpson, E. F	New York, N. Y.
Gilbert, Horation I	Do.	Torrey, Lidia	Newport, R. I.
Gilmore, E. W	Do.	Tracy, John F	Chicago, Ill.
Glidden, William T	Do.	Train, Willie Davis.	New York, N. Y.
Gray, H. Winthrop	New York, N. Y.	Trowbridge, Henry.	New Haven, Conn.
Gray, G. Griswold	Do.	Trowbridge, Ezekiel H	Do.
Grimes, James W.	Davenport, Iowa.	Tuttle, Charles	New York, N. Y.
Hall, Charles M.	Philadelphia, Pa.	Vernon, Sophia	Newport, R. I.
Hazard, Elizabeth	Newport, R. I.	Waite, C. C	New York, N. Y.
Hazard, Elizabeth, trustee	Do.	White, Mrs. Emily Frances	New Haven, Conn.
		Williams, John M. S.	Boston, Mass.
		Williams & Guion	New York, N. Y.

OFFICERS.

Directors.—John B. Alley, Boston, Massachusetts; Oliver Ames, Boston, Massachusetts; Josiah Bardwell, Boston, Massachusetts; Benjamin E. Bates, Boston, Massachusetts; C. S. Bushnell, New Haven, Connecticut; John J. Cisco, New York, New York; Henry C. Crane, New York, New York; F. Gordon Dexter, Boston, Massachusetts; Sidney Dillon, New York, New York; John Duff, Boston, Massachusetts; Thomas C. Durant, New York, New York; Charles A. Lombard, Boston, Massachusetts; William H. Macy, New York, New York Henry S. McComb, Wilmtngton, Delaware; John F. Tracey, Chicago, Illinois.

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President.—Oliver Ames, New York, New York.
Vice-president.—Thomas C. Durant, New York, New York.
Treasurer.—John J. Cisco, New York, New York.
Assistant treasurer.—Charles Tuttle, New York, New York.
Secretary.—Henry B. Hammon, New York, New York.
Chief engineer.—General G. M. Dodge, Omaha, Nebraska.
Consulting engineer.—Colonel S. Seymore, New York, New York.

THIRD.

Amount of stock subscribed and actually paid in.

Subscriptions have been received for 89,920 shares, of a par value of	$8,992,000
Amount actually paid in	8,877,150

FOURTH.

Description of line of road surveyed, of the lines fixed upon, and the cost of such survey.

The chief engineer reports as follows:

1st. The surveys made by Mr. L. L. Hills, assistant engineer and chief of party, included the revision of located line upon the Lodge Pole, and the location of the line from Pine Bluffs to Crow Creek Crossing. Mr. Hills, after running some preliminary lines, was killed by the Indians, and his surveys were completed by Mr. Evans, and the line adopted and located by following Lodge Pole Creek Valley, to five miles west of Pine Bluffs, then ascends to divide between the Lodge Pole and Crow Creek by following one of the tributaries of that stream to its head, and then, bearing about due west, strikes Crow Creek eight miles below the present crossing, and runs up Crow Creek Valley to the crossing in latitude 41° 08′, and has no grade ascending east or west to exceed 35 feet feet to the mile.

2d. The surveys of Mr. James A. Evans, division engineer, included the preliminary and located lines over the Black Hills range of the Rocky Mountains, from Crow Creek Crossing to crossing of Laramie River near Fort Sanders. Mr. Evans's line followed one of the tributaries of Crow Creek until he reached the ridge dividing the waters of the South Fork of Crow Creek and Lone Tree Creek, and followed that ridge to the summit at Evans's Pass. This pass is about ten miles south of Cheyenne Pass, and has an elevation of 8,250 feet above the sea; then, bearing southwest, crosses Dall Creek, and clings to the western slope of Black Hills, and reaches the Laramie Plains near Willow Springs Station. The line then runs along Wilson Creek Valley, at West Bone of Black Hills, to Fort Sanders, 59 miles from Crow Creek Crossing, and in latitude 41° 16′ north. The maximum grade over the Black Hills range is 90 feet to the mile.

3d. The surveys of P. T. Brown, assistant engineer and chief of party, commenced at the Laramie River Crossing, and strikes strongly northwest, following the valley of Laramie River to the crossing of Little Laramie River, near its mouth, then bears northwesterly, passing south of Cooper's Lake, crossing Dutton's, Pine, and other creeks, and strikes Rock Creek Valley near the forks of that stream, following down Rock Creek ten miles; it then crosses the divide between Rock Creek and Medicine Bow, crossing the latter stream two miles above

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mouth of Rock Creek, bearing due west, and piercing the Rattlesnake Hills at Brown's Pass, eight miles north of Fort Halleck, latitude 41° 50′ north, and, passing the range, strikes the head-waters of Mary's Creek, and, following it, cañoning through the west range of the Rattlesnake Hills to the North Fork of Platte River, and crosses that stream five miles below mouth of Pass Creek, in latitude 41° 46′ north, distance from Fort Sanders 114 miles; then, striking west, follows a natural depression of the country, a system of independent basins, passing through Rawlings's Springs, Duff Peak, and Separation Creek, and reaches the divide of the continent at Doage's Summit, in latitude 41° 44′ north, fifty-one miles west of North Fork of Platte.

At this point Mr. Brown was killed by the Indians, and Mr. T. E. Appleton took up the line and continued it west, dropping into Red Basin, ascending its rim, descends into Bitter Creek near Laclede Station, 105 miles west of North Fork of Platte. The line then follows Bitter Creek Valley to Green River, and crosses that river near the stage-station, 166 miles west of North Fork of Platte. The maximum grade between North Fork of Platte and Green River is 65 feet to the mile.

Mr. Appleton also ran a secondary line, starting out of Brown's line at Separation Creek, and following the old Cherokee trail over the divide of the continent, eight miles north of Doage's Summit, and connecting with the main line in the Red Briar; also a line from Brown's Crossing of North Fork of Platte, northwest, up a natural depression in the mountains, to near the foot of Simenal Mountains, and connecting with Bates's line at Red Butte Springs, latitude 40° 03′.

4th. The surveys of Mr. J. O'Neil, assistant engineer and chief of party, included the located line from Fort Sanders to Brown's Pass, in Rattlesnake Hills. He followed the valley of the Big Laramie, crossing the latter stream near its mouth, and continuing down the Big Laramie 30 miles, crosses with a 45 feet maximum grade to valley of Rock Creek, which he follows to its mouth, crossing the Medicine Bow near mouth of Rock Creek, in latitude 41° 54′ north, following down valley of Medicine Bow five miles. The ascent of Rattlesnake Hill is made with a 65-foot grade, by hanging to the slopes of a small stream which heads near Brown's Summit and flows into the Medicine Bow. Distance to intersection 92 miles, maximum grade 65 feet, maximum curvature 5°.

5th. The surveys of Mr. Maxwell, assistant engineer and chief of party, including some preliminaries, run in Black Hill Range, and the running of a preliminary line through the Rattlesnake Hills, from the mouth of Rock Creek, passing the East Rattlesnake Range at an elevation 300 feet lower than the one Mr. Brown and O'Neil ran through, and crossing the North Fork of Platte near the mouth of Medicine Bow, latitude 42° 03′ north. Also another line running southwest, in valley of North Fork of Platte, piercing through west range of Rattlesnake Hills by the cañons made by the North Fork of the Platte River, and connecting with Brown's line near Rawlings's Springs.

Mr. Maxwell returned on his first line, and located it to the crossing of Medicine Bow.

6th. Mr. Thomas H. Bates, division engineer's surveys, included a revision of the surveys of 1864 and 1865 up the Weber River, in Utah, to the head of Echo Cañon, over the rim of the basin, up Lost Creek, a tributary of the Weber, crossing the Wahsatch north of Echo Summit, and connecting, in Bear River Valley, with Mr. Reed's survey.

He then commenced running a preliminary line from Grand River to the mouth of Big Sandy, being due east, along the 42d parallel of latitude, running to the south base of North Pilot Butte, crossing North

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Bitter Creek near its head, and making the summit of the continent, about twenty-five miles southeast of South Pass; elevation, 7,350 feet above the sea; then following the broad, open, dry valley, running due east along the south base of the Sweetwater Hills, Ice Spring Gap, and Seminole Mountains, to Red Butte Spring, latitude 42° 03′; then runs due east, crossing the west range of the Rattlesnake Hills at the Sandy Gap Pass; elevation, 6,893 feet above tide-water; descends by Lambard's Springs to the table-lands of the North Fork of Platte, and follows a small tributary of that stream to that river, and crosses it near the mouth of Medicine Bow River; latitude 42° 03′, elevation 6,250 feet above the sea, and follow up the Medicine Bow River Valley, crossing it a great many times, connecting with O'Neil's located line at the mouth of Rock Creek. Between the mouth of Big Sandy and Big Butte, there is no running water, the Butte Creek Plain being a system of basins, with now and then an independent lake without outlet; distance, 215 miles; maximum grade, 85 feet to the mile.

7th. The surveys of Mr. F. S. Hodges included the surveys of the Bear River route, leaving Mr. Rudd's surveys of 1864 at mouth of Weber Cañon, and following along the margin of the Great Salt Lake, and near the foot-hills of the Wahsatch range of mountains, leaving them at Soda Spring, in latitude 42° 39′ north, longitude 111° 42′ west.

The divide for almost miles turns here to about due south, and follows valley of Bear River to Rudd's Crossing; grades, 60 feet to the mile; distance, 251 miles, being 178 miles further than the direct route by Yellow Creek, Echo Cañon, Weber River, and Great Salt Lake.

Mr. Hodges also connected this line with Rudd's line, on Black's Fork, at mouth of Ham's Fork, crossing the "rim of the basin" at Hodge's Pass, and through valley of Ham's Fork, and following it to its mouth.

He also revised the surveys near mouth of Bitter Creek, and crossing the divide between Green River and Black Fork.

After a personal examination of all these surveys, I recommended to the company the adoption and location of the following route from Fort Sanders west, which has since been mostly located and partly built:

Commencing at Fort Sanders, we adopted Mr. O'Neil's location, following up the valley of the Big Laramie thirty miles; then crossing the divide between the Laramie and Rock Creek, and following the valley of Rock Creek to the Medicine Bow, latitude 41° 54′ north, following down the Medicine Bow valley eight miles, then ascending one of its tributaries to Brown's Pass in the Rattlesnake Hills, latitude 41° 50′ north; then down Mary's Creek to North Fork of Platte River, crossing it in latitude 41° 46′; then to the summit of the continent by way of Rawlings's Springs, Duff's Peak, Separation Creek, and crossing the divide of the continent at Doage's Pass, latitude 41° 44′; then, running south of west line, ascends to Red Basin, rises to divide between it and Bitter Creek, and enters Bitter Creek Valley below Big Pond Station; follows that valley to Green River, crosses it at the Old Stage Crossing, and comes into Black's Ford; follows it to Muddy, and up Muddy to "rim of basin," over the "rim" just south of Quaking Asp Hill; enters Bear River valley near mouth of Sulphur Creek, rises to summit of Wahsatch by Yellow Creek, crosses the summit at head of Echo Cañon, follows down Echo to Weber, and down the Weber River to Great Salt Lake, distance 460 miles.

The total amount of the engineering of the company for 1867, which

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apply only to the running of lines, and development of the country, and the final location, was $185,000.

Instrumental lines.

	Miles.
Evans's party	215
Brown & Appleton's party	358
Hoage's party	472
Maxwell's party	210
Bates's party	420
Total	1,675

The number of miles of reconnaissance is	3,310
Number of miles traveling parties	5,193

FIFTH.

Receipts from passengers.

From April 1, the date the road was accepted from the contractors, to December 31, there has been received, including transportation of troops, of which half has been charged to United States interest account	$550,291 28

SIXTH.

Receipts from freight.

During the same time there has been received, including materials transported for Government, of which one-half has been charged to United States interest account	$1,949,806 21

SEVENTH.

Expense of road and fixtures.

There has been expended in construction, being the entire cost of 540 miles completed road, and amounts expended for engineering and grading in advance	$29,998,812 44

EIGHTH.

Indebtedness of the road.

United States 6 per cent. 30 year bonds	$8,160,000 00
First mortgage bonds	11,744,000 00
Unfunded debt	1,198,995 99
Total	21,102,995 99

THOS. C. DURANT,
Vice-President.

STATE OF NEW YORK, *City and County of New York, ss:*

On this 27th day of June, A. D. 1868, before me came personally Thomas C. Durant, to me personally known, and known to me to be the vice-president of the Union Pacific Railroad Company, and the same person who executed the foregoing instrument, and acknowledged to me that he executed the same as such vice-president, and the said

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Thomas C. Durant being by me duly sworn, did depose and say that he is the vice-president of the Union Pacific Railroad Company; that the president of said company is absent, and that, during his absence, he, the said Durant, is authorized by the by-laws of said company to do and perform any and all acts which the president might do were he present, and that the above report is correct and true to the best of his knowledge and belief, as shown by the report of the chief engineer and the books of the company.

[SEAL.]

WM. SUTPHEN,
Notary Public, New York City and County.

ANNUAL REPORT OF THE UNION PACIFIC RAILWAY COMPANY, EASTERN DIVISION, TO THE SECRETARY OF THE TREASURY, FOR THE YEAR ENDING DECEMBER 31, 1866.

FIRST.

It appears from the records now in the possession of the company that in 1856 the stockholders in the organization were as follows: Jas. T. Boyle, M. P. Rively, Majors, Russell & Co., A. Macauley, Hugh Ewing, Jeremiah Clark, John A. Holderman, Sarah D. Lecompte, B. B. Taylor, A. J. Isacks, J. M. Alexander, D. A. N. Grover, Amos Rees, I. H. Day, Samuel Harsh, Wm. H. Russell, H. B. Denman, A. Beach, I. P. Nickles, Wm. Brindle.

Up to January 28, 1862, additional subscriptions were made in the name of I. C. Stone.

It appears by the books that the stock remained principally in the hands of the above-named parties until February 15, 1864, when I. C. Stone transferred to Samuel Hallett his interest, and on February 26, 1864, the list of stockholders was made up as follows:

Jas. T. Boyle, M. P. Rively, A. Macauley, Hugh Ewing, Jeremiah Clark, John A. Holderman, Saml. D. Lecompte, B. B. Taylor, J. M. Alexander, D. A. N. Grover, Amos Rees, I. H. Day, Saml. Harsh, H. B. Denman, A. Beach, I. P. Nickles, Wm. Brindle, Samuel Hallett, G. B. Reed, E. L. Berthoud, Chas. A. Grover, Fred. Emory, Elijah Hughes, H. Miles Moore, I. H. McDowell, Luce & Marvin, Danl. L. Henry, James Davis, B. F. Simmons, O. B. Holman, Thos. C. Shoemaker, A. C. Swift, G. W. Hindman, Wm. H. Russell, M. I. Parrott, Thos. S. Gladding, R. P. C. Wilson, S. A. Stinson, J. C. Frémont, Saml. Denman, James C. Kennedy, I. D. Perry, J. B. Alexander, J. K. Hale, T. B. Edgar, A. C. Anderson, I. P. Devereux, R. I. Wood.

The books do not show that the company had received any pay for this stock. Samuel Hallett was the contractor of the company for building the road, and was to be paid partly in stock. If he had performed his contract, he would have paid for the stock, in whole or in part, transferred to him by I. C. Stone. In the performance of his contract he earned 1,736 shares of stock, and this, with other full-paid stock, was held on the 3d day of April, 1865, by the following-named parties, assignees of original subscribers: John D. Perry, Thomas L. Price, Carlos S. Greeley, Adolphus Meier, Giles F. Filley, Alex. C. Anderson, John P. Devereux, S. M. Egdell, Henry Bennett, Samuel T. Glover, Samuel A. Stinson.

On the 3d and 4th days of July, 1865, under and in pursuance of law, all stock of the company held by delinquent subscribers was forfeited,

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and sold to the company at public auction at Wyandotte, Kansas, leaving at that time the parties named in the above list as the only stockholders in the company.

On December 31, 1865, the stockholders were the following:

Names of stockholders.	Residence.	Names of stockholders.	Residence.
John Edgar Thomson, trustee.	Philadelphia, Pa.	William H. Clement	Cincinnati, Ohio.
John D. Perry, trustee	Saint Louis, Mo.	H. I. Jewett	Zanesville, Ohio.
Leavenworth County	Kansas.	Thomas L. Price	Jefferson City, Mo.
John D. Perry	Saint Louis, Mo.	Adolphus Meier	Saint Louis, Mo.
John P. Usher	Terre Haute, Ind.	Ashbell Green	New York, N. Y.
Thomas A. Scott	Philadelphia, Pa.	John P. Devereux	Saint Louis, Mo.
		Samuel A. Stinson	Leavenworth, Kans.

On December 31, 1866, the stockholders of the company were the following:

Names of stockholders.	Residence.	Names of stockholders.	Residence.
Leavenworth County	Kansas.	George D. Hall	Saint Louis, Mo.
H. M. Northrup	New York, N. Y.	F. H. Jackson	Philadelphia, Pa.
John E. Thomson	Philadelphia, Pa.	Robert H. Lamborn	Do.
Seyfert, McManus & Co	Do.	Charles B. Lamborn	Saint Louis, Mo.
M. W. Baldwin & Co	Do.	J. B. Anderson	Philadelphia, Pa.
H. H. Houston	Do.	Edward Miller, trustee	Do.
William Thaw	Pittsburgh, Pa.	R. M. Shoemaker	Glendale, Ohio.
William T. Leech	Philadelphia, Pa.	Thomas L. Jewett	Steubenville, Ohio.
Thomas S. Clarke	Pittsburgh, Pa.	Alfred Gaither	Cincinnati, Ohio.
Thomas A. Biddle	Philadelphia, Pa.	H. I. Jewett	Zanesville, Ohio.
Edward Miller	Do.	J. N. Kinney	Cincinnati, Ohio.
William I. Palmer	Saint Louis, Mo.	Thomas Sherlock	Do.
Edward Ely	Philadelphia, Pa.	William Dennison	Columbus, Ohio.
D. S. Grey and J. Means	Columbus, Ohio.	William H. Clement	Cincinnati, Ohio.
W. A. Goodman	Cincinnati, Ohio.	A. H. Barney	New York, N. Y.
George H. Pendleton	Do.	Andrew Gross	Do.
A. L. Mowry	Do.	L. Devinney	Cincinnati, Ohio.
C. H. Kilgore	Do.	J. W. Kirk	New York, N. Y.
George W. McCook	Steubenville, Ohio.	Larz Anderson	Cincinnati, Ohio.
H. Bancroft	Columbus, Ohio.	P. W. Strader	Do.
S. Medbury	Do.	J. M. Davison	Saratoga, N. Y.
I. Lough	Do.	J. Harshman	Dayton, Ohio.
W. Falling	Do.	Simon Gebhart	Do.
C. P. Cassilly	Cincinnati, Ohio.	V. Winters & Son	Do.
Ashbell Green	New York, N. Y.	B. S. & W. C. Brown	Columbus, Ohio.
John D. Perry	Saint Louis, Mo.	B. E. Smith	Do.
C. S. Greeley	Do.	J. H. Rhodes	Cincinnati, Ohio.
Giles F. Filley	Do.	A. H. Lewis	Do.
Thomas L. Price	Jefferson City, Mo.	I. R. Swan	Columbus, Ohio.
S. M. Edgell	Saint Louis, Mo.	A. C. Anderson	Saint Louis, Mo.
Adolphus Meier	Do.	D. B. Gale	Do.
J. P. Usher	Terre Haute, Ind.	James Smith	Do.
James Archer	Saint Louis, Mo.	G. C. Swallow	Columbia, Mo.
Henry Martin	Cincinnati, Ohio.	D. R. Garrison	Saint Louis, Mo.
George Partridge	Saint Louis, Mo.	H. C. Creveling	Do.
O. D. Filley	Do.	William Myers	United States Army.
John D. Locke	New York, N. Y.	Thomas A. Scott	Philadelphia, Pa.
Horace Holton	Saint Louis, Mo.	Theodore Cook	Cincinnati, Ohio.
Robert E. Carr	Do.	Edward Miller, trustee, R. M. S. & Co.	Philadelphia, Pa.
Glover & Shepley	Do.		

SECOND.

Names of directors and other officers.

Directors, April, 1864.—John D. Perry, Saint Louis, Missouri; J. B. Alexander, Saint Louis, Missouri; John P. Devereux, Saint Louis, Missouri; J. C. Kennedy, Saint Louis, Missouri; T. B. Edgar, Saint Louis, Missouri; R. B. Wood, Leavenworth, Kansas; A. C. Anderson, Saint Louis, Missouri; J. H. Hale, Wyandotte; S. A. Stinson, Leavenworth, Kansas.

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President.—John D. Perry, Saint Louis, Missouri.
Secretary and treasurer.—John P. Devereux, Saint Louis, Missouri.
Directors, April, 1865.—John D. Perry, Saint Louis, Missouri; Adolphus Meier, Saint Louis, Missouri; G. F. Filley, Saint Louis, Missouri; C. S. Greeley, Saint Louis, Missouri; A. C. Anderson, Saint Louis, Missouri; J. P. Devereux, Saint Louis, Missouri; Thomas L. Price, Jefferson City, Missouri; S. A. Stinson, Leavenworth, Kansas; J. P. Usher, Terre Haute, Indiana.
President.—John D. Perry, Saint Louis, Missouri.
Secretary and treasurer.—John P. Devereux, Saint Louis, Missouri.
Directors, April, 1866.—John D. Perry, Saint Louis, Missouri; Adolphus Meier, Saint Louis, Missouri; John P. Devereux, Saint Louis, Missouri; Thomas L. Price, Jefferson City, Missouri; H. I. Jewett, Zanesville, Ohio; Wm. H. Clement, Cincinnati, Ohio; Thomas A. Scott, Philadelphia, Pennsylvania; John McManus, Philadelphia, Pennsylvania; George Partridge, Saint Louis, Missouri.
President.—John D. Perry, Saint Louis, Missouri.
Vice-president.—Adolphus Meier, Saint Louis, Missouri.
Secretary and treasurer.—W. I. Palmer, St. Louis, Missouri.

THIRD.

Amount of stock subscribed and amount thereof actually paid in, December 31, 1865.

Total stock subscribed	$2,399,000 00
Total stock issued	564,800 00
Total stock earned, but not issued	615,000 00
Total stock subscribed, December 31, 1866	5,001,000 00
Total stock issued, December 31, 1866	2,401,000 00

FOURTH.

Surveys.

It is impracticable at this date to make an accurate statement of the cost of the surveys of the company up to December 31, 1866.

Preliminary surveys were made of the line as far as Fort Riley, by the company, but the lines were re-surveyed under the supervision of its contractors, and the expense of such work was a part of the cost of construction.

In 1865 preliminary surveys were run up the valley of the Republican River, and from Fort Riley to Denver, via the Smoky Hill route, the cost of which was also charged to the account of construction, and borne by the contractors, as stated in my report dated February 29, 1868.

FIFTH.

Prior to October 16, 1866, the completed portion of the road was in the hands of, and operated by, the contractors, who were in receipt of its earnings.

In 1864 the gross receipts for passengers were	$634 58
In 1865 the gross receipts for passengers were	32,152 40
In 1866 the gross receipts for passengers were	209,523 63

SIXTH.

In 1864 the gross receipts for freight were	$663 28
In 1865 the gross receipts for freight were	65,817 50
In 1866 the gross receipts for freight were	217,730 11
Miscellaneous earnings, 1865	2,555 99
Miscellaneous earnings, 1866	15,073 46

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SEVENTH AND EIGHTH.

Contracts had been made for the construction of the entire road, which were not performed. In accordance with these contracts, considerable advances were made to the contractors, and their failure to perform their agreement subjected the company to heavy losses. These losses are all carried into the cost of the road, and embraced in the indebtedness of the company, as contained in full in my report of February 29, 1868.

I am, sir, very respectfully, your obedient servant,

JOHN D. PERRY,
President.

ANNUAL REPORT OF THE UNION PACIFIC RAILROAD COMPANY, EASTERN DIVISION, TO THE SECRETARY OF THE TREASURY, FOR THE YEAR ENDING DEC. 31, 1867.

FIRST.

Names of stockholders.	Residence.	Names of stockholders.	Residence.
James Archer	Saint Louis, Mo.	I. W. Kirks	New York, N. Y.
A. C. Anderson	Do.	C. H. Kilgour	Cincinnati, Ohio.
J. B. Anderson	Philadelphia, Pa.	John D. Locke	New York, N. Y.
Larz Anderson	Cincinnati, Ohio.	Leavenworth County	Kansas.
M. W. Baldwin & Co	Philadelphia, Pa.	William F. Leech	Philadelphia, Pa.
Thomas A. Biddle	Do.	Robert H. Lamborn	Do.
A. H. Barney	New York, N. Y.	Charles B. Lamborn	Do.
B. S. & W. C. Brown	Columbus, Ohio.	A. H. Lewis	Cincinnati, Ohio.
H. Bancroft	Do.	J. Lough	Columbus, Ohio.
Thomas I. Bartholow	Saint Louis, Mo.	Adolphus Meier	Saint Louis, Mo.
H. B. Bissell	Cincinnati, Ohio.	Henry Martin	Cincinnati, Ohio.
George Burnham	Philadelphia, Pa.	William Myers	United States Army.
George I. Baker		Edward Miller	Philadelphia, Pa.
Robert E. Carr	Saint Louis, Mo.	A. L. Mowry	Cincinnati, Ohio.
H. C. Creveling	Do.	S. Medbury	Columbus, Ohio.
Heirs of Thomas S. Clark	Pittsburgh, Pa.	Edward Miller, trustee	Philadelphia, Pa.
W. H. Clement	Cincinnati, Ohio.	James Means	Pittsburgh, Pa.
C. P. Cassilly	Do.	George W. McCook	Steubenville, Ohio.
William Dennison	Columbus, Ohio.	H. M. Northrup	New York, N. Y.
L. Devinny	Cincinnati, Ohio.	John D. Perry	Saint Louis, Mo.
J. M. Davison	Saratoga, N. Y.	Thomas L. Price	Jefferson City, Mo.
J. H. Dickerson	Cincinnati, Ohio.	George Partridge	Saint Louis, Mo.
S. M. Edgell	Saint Louis, Mo.	W. I. Palmer	Do.
Edward Ely	Philadelphia, Pa.	George H. Pendleton	Cincinnati, Ohio.
Seth Evans	Cincinnati, Ohio.	J. H. Rhodes	Do.
Giles F. Filley	Saint Louis, Mo.	G. Y. Roots	Do.
O. D. Filley	Do.	James Smith	Saint Louis, Mo.
C. S. Greeley	Do.	Shoemaker, Miller & Co	Do.
German Savings Ins	Do.	Seyfert, McManus & Co	Philadelphia, Pa.
D. B. Gale	Do.	R. M. Shoemaker	Glendale, Ohio.
Alfred Gaither	Cincinnati, Ohio.	Thomas Sherlock	Cincinnati, Ohio.
Andrew Gross	New York, N. Y.	P. W. Strader	Do.
Simon Gebhart	Dayton, Ohio.	B. F. Strader	Do.
D. S. Gray & James Means	Columbus, Ohio.	B. C. Smith	Columbus, Ohio.
Ashbell Green	New York, N. Y.	J. R. Swan	Do.
Glover & Shepley	Saint Louis, Mo.	Henry C. Smith	Baltimore, Md.
George D. Hall	Do.	Thomas A. Scott	Philadelphia, Pa.
H. H. Houston	Philadelphia, Pa.	Murray C. Shoemaker	Cincinnati, Ohio.
J. Harshman	Dayton, Ohio.	Daniel Spangler	Philadelphia, Pa.
William Hubbard	Saint Louis, Mo.	J. Edgar Thomson	Do.
Alexander W. Harvey	Do.	William Thaw	Pittsburgh, Pa.
F. H. Jackson	Philadelphia, Pa.	W. Tailing	Columbus, Ohio.
Thomas L. Jewett	Steubenville, Ohio.	J. P. Usher	Terre Haute, Ind.
H. I. Jewett	Zanesville, Ohio.	V. Winters & Sons	Dayton, Ohio.
J. E. Jacobs	Saint Louis, Mo.	H. W. Wissman	Saint Louis, Mo.
I. N. Kinney	Cincinnati, Ohio.	F. A. Walker	Philadelphia, Pa.

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SECOND.

Directors.—John D. Perry, Saint Louis, Missouri; Adolphus Meier, Saint Louis, Missouri; Carlos S. Greeley, Saint Louis, Missouri; William M. McPherson, Saint Louis, Missouri; Thomas L. Price, Jefferson City, Missouri; Thomas A. Scott, Philadelphia, Pennsylvania; John McManus, Reading, Pennsylvania; William M. Clement, Cincinnati, Ohio; H. I. Jewett, Zanesville, Ohio.

President.—John D. Perry, Saint Louis, Missouri.

Vice-President.—Adolphus Meier, Saint Louis, Missouri.

Treasurer.—William I. Palmer, Saint Louis, Missouri.

Secretary.—Charles B. Lamborn, Saint Louis, Missouri.

Auditor.—S. T. Smith, Saint Louis, Missouri.

Solicitor.—J. P. Usher, Saint Louis, Missouri.

Supply and purchasing agent.—T. F. Oakes, Saint Louis, Missouri.

General superintendent.—A. Anderson, Wyandotte, Kansas.

General ticket and freight agent.—J. M. Webster, Wyandotte, Kansas.

Land commissioner.—John P. Devereux, Lawrence, Kansas.

THIRD.

Stock subscribed and paid in.

Total stock subscribed	$5,001,000
Total stock issued	2,561,000
Total stock paid up, but not issued	1,440,000

FOURTH.

Surveys and line of definite location.

The company have definitely located the line of their road in the valleys of the Kansas and Smoky Hill Rivers to a point near the military post of Fort Wallace, Kansas, 400 miles west of Missouri River. Expense of the surveys to this point, and those made up the Republican River, and to Denver in 1865, was borne by the contractors, and is embraced in the cost of the road to the company.

During the year 1867 extended surveys have been made. The company have maintained in the field four complete corps of engineers, and the aggregate distance over which instrumental surveys have been run exceeds 3,500 miles.

Two lines have been run from Fort Wallace to Denver; two lines from Fort Wallace to Albuquerque, New Mexico; one by the valley of the Purgatory River, crossing the passes of the Raton Mountains, thence to Fort Union, and via Las Vegas to a point seven miles below Albuquerque on the Rio Grande, and one line up the valley of the Huerfano River, through Sangre de Christo Pass to Santa Fé, and thence to Albuquerque. West of the Rio Grande two lines have been surveyed to the Colorado River, one by way of Fort Craig and the 32d parallel or Gila route to Fort Yuma, the other following the general route of the 35th parallel, crossing the San Francisco range of mountains north of Prescott, Arizona, and striking the Colorado River near Fort Mohave below the head of water navigation. From Fort Mohave the survey has been continued westward, crossing the Sierra Nevada at or near the Tehachapah Pass into Tulare Valley, and thence on to San Francisco. The result of these surveys has been eminently satisfactory. A route has been found across the mountains, by what is known as the 35th parallel, which is entirely

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free from obstruction by snow, and on which a railroad may be constructed at reasonable cost and with favorable grades. A large corps of engineers are still in the field, revising the work preparatory to estimating the cost of the road by the route examined.

The amount paid by the treasurer of the company on these surveys to date is	$105,754 25
It is estimated that the outstanding bills for services and expenses yet to be incurred for these surveys will bring the aggregate cost to	200,000 00

FIFTH.

Gross receipts of the company for the transportation of passengers from January 1 to December 31, 1867	$615,909 74

SIXTH.

Gross receipts of the company for the transportation of freight from January 1 to December 31, 1867	$1,148,041 52
Miscellaneous earnings	$52,506 85
Gross receipts for transportation for the United States Government from January 1 to December 31, 1867, included in above statements:	
Troops	$108,757 10
Freight	368,310 02
Mails	34,841 12
Total	511,908 24

Of this amount 50 per cent. is retained in Treasury of the United States, to meet interest on bonds issued in aid of this company, and to pay bonds at maturity.

Recapitulation.

Receipts from passengers from January 1 to December 31, 1867	$615,909 74
Receipts from freight from January 1 to December 31, 1867	1,148,041 52
Receipts from miscellaneous earnings from January 1 to December 31, 1867	52,506 85
Total	1,816,458 11
Total operating expenses in said time	$1,199,534 16

SEVENTH.

The expense of constructing the road, its fixtures, rolling-stock, &c., completed and to be completed, furnished and to be furnished, is at and after the rate of $50,000 per mile, in the bonds and stock of the company.

EIGHTH.

Indebtedness of the company.

Thirty-year first mortgage bonds on 335 miles main line, $16,000 per mile	$5,360,000
Thirty-year United States bonds on 335 miles main line, $16,000 per mile	5,360,000
Fifty-year income bonds, third mortgage on main line, second mortgage on branches, bearing seven per cent. interest, payable five years out of net earnings, $10,000 per mile	3,680,000

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Thirty-year first mortgage bonds, Leavenworth branch, on 31 miles of road, interest seven per cent. currency	$600,000
Land-grant bonds first mortgage on lands between 140″ and 240″ mile-posts, interest seven per cent. currency	360,000
Other liabilities	447,173

Respectfully, your obedient servant,

JOHN D. PERRY,
President.

Sworn and subscribed before me this 6th day of March, A. D. 1868.
[SEAL.] M. CALLAN,
Notary Public.

REPORT OF THE KANSAS PACIFIC RAILWAY COMPANY.

KANSAS PACIFIC RAILWAY COMPANY,
Saint Louis, May 17, 1869.

SIR: I have the honor to forward herewith, for information of your Department, an official copy of the resolution passed by the board of directors of this company April 6, 1869, changing the name of this corporation from the "Union Pacific Railway Company, Eastern Division," to the "Kansas Pacific Railway Company," as authorized by joint resolution of Congress approved March 3, 1869.

I also inclose a list of the officers of the company for the current year.

Respectfully, your obedient servant,

CHAS. B. LAMBORN,
Secretary.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury, Washington, D. C.

* * * * * * *

Resolved, That the name of the Union Pacific Railway Company, Eastern Division, be, and it is hereby, changed to that of the "Kansas Pacific Railway Company," and the said corporation shall hereafter be known and called the "Kansas Pacific Railway Company," as authorized by the charter, and in conformity to the joint resolution of Congress, approved March 3, 1869.

I certify the above and foregoing to be a true copy of the resolution adopted by the board of directors of the Kansas Pacific Railway Company, (late Union Pacific Railway Company, Eastern Division,) at their meeting held at Lawrence, Kansas, April 6, 1869.

CHAS. B. LAMBORN,
Secretary.

List of directors and officers, April 5, 1869.

Directors.—John D. Perry, Saint Louis, Missouri; Adolphus Meier, Saint Louis, Missouri; Carlos S. Greeley, Saint Louis, Missouri; Wm. W. McPherson, Saint Louis, Missouri; S. M. Edgell, Saint Louis, Missouri; Wm. J. Palmer, Saint Louis, Missouri; Thos. L. Price, Jefferson City, Missouri; Hugh J. Jewett, Cincinnati, Ohio; Wm. H. Clement, Cincinnati, Ohio; Thomas A. Scott, Philadelphia, Pennsylvania; John McManus, Reading, Pennsylvania.

President.—John D. Perry, Saint Louis, Missouri.

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Vice-President.—Adolphus Meier, Saint Louis, Missouri.
Treasurer.—Carlos S. Greeley, Saint Louis, Missouri.
Secretary.—Charles B. Lamborn, Saint Louis, Missouri.
Auditor.—S. T. Smith, Saint Louis, Missouri.
General superintendent.—Adna Anderson, Saint Louis, Missouri.

ANNUAL REPORT OF THE WESTERN PACIFIC RAILROAD COMPANY TO THE SECRETARY OF THE TREASURY, FOR THE YEAR ENDING DECEMBER 31, 1866.

FIRST.

Names of stockholders.	Residence.	Names of stockholders.	Residence.
Center, John	San Francisco, Cal.	McLaughlin, Mrs. K. D.	San Francisco, Cal.
Dooly, M. J.	Stockton, Cal.	Peterson, Wallace & Stow, trustees.	Do.
Fox, Charles N	San Francisco, Cal.	Sanger, Charles W	Do.
Houghton, S. O	San José, Cal.	Slicer, Hugh S	Do.
Mann, Benjamin F	Do.	Santa Clara County.	Santa Clara County Cal.
Martin, John A	San Francisco, Cal.		
McLaughlin, Charles	Do.		

Directors.—Chas. N. Fox, San Francisco, California; John Center, San Francisco, California; Chas. W. Sanger, San Francisco, California; B. F. Mann, San José, California; S. O. Houghton, San José, California; M. J. Dooly, Stockton, California. One vacancy.
President.—Chas. N. Fox, San Francisco, California.
Vice-president.—S. O. Houghton, San José, California.
Secretary and land agent.—Chas. W. Sanger, San Francisco, California.
Treasurer and general superintendent.—B. F. Mann, San José, California.
Chief engineer.—M. L. Stangroom, San Francisco, California.

THIRD.

The stock subscriptions amount to 18,811 shares, of $100 each, on which $881,100 have been paid.
Three hundred shares of stock previously subscribed were sold at public auction, in accordance with law, for delinquent assessments, on the 24th day of December, 1866, when the same were bid in by the company, and retired for the benefit of the company.

FOURTH.

The line of road, as surveyed and fixed upon, commences at the city of San José, in the county of Santa Clara, and runs through said county and the counties of Alameda, San Joaquin, and Sacramento, to the city of Sacramento, all in the State of California.
The cost of survey is included in construction contract.

FIFTH AND SIXTH.

Nothing received from passengers or from freights. Construction of road not completed.

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SEVENTH.

The expense of the road and its fixtures, to December 31, 1866, amounted to $939,800.

EIGHTH.

Indebtedness of the company.

Due under construction and equipment contracts, on estimates allowed, $3,647 20.

The road is mortgaged for $1,600,000, to secure the payment of 1,600 bonds, of $1,000 each, to be used as the necessities of the company may require.

Respectfully submitted.

C. N. FOX,
President of the Western Pacific Railroad Company.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

On this eleventh day of February, A. D. 1867, personally appeared before me, the undersigned, a notary public in and for said city and county, the above-named Charles N. Fox, who, being by me first duly sworn, upon his oath does say, that the matters and things set forth in the above and foregoing report, by him made and signed, are true, as he verily believes.

CHAS. N. FOX.

Subscribed and sworn to before me this 11th day of February, A. D. 1867.

[SEAL.]

J. W. McKENZIE,
Notary Public.

ANNUAL REPORT OF THE WESTERN PACIFIC RAILROAD COMPANY TO THE SECRETARY OF THE TREASURY, FOR THE YEAR ENDING DECEMBER 31, 1867.

FIRST.

Names of stockholders.	Residence.	Names of stockholders.	Residence.
C. H. Cummings	Sacramento, Cal.	Leland Stanford	Sacramento, Cal.
Charles Crocker	Do.	C. P. Stanford	Do.
T. B. Crocker	Do.	Leland Stanford & Co	Do.
Mark Hopkins	Do.	Charles W. Sanger	San Francisco, Cal.
C. P. Huntington	New York City.	Santa Clara County	California.
E. H. Miller, jr	Sacramento, Cal.		

SECOND.

Directors.—Leland Stanford, Sacramento, California; Mark Hopkins, Sacramento, California; E. B. Crocker, Sacramento, California; Charles Crocker, Sacramento, California; E. H. Miller, jr., Sacramento, California; A. P. Stanford, San Francisco, California; C. P. Huntington, New York City.

President.—Leland Stanford, Sacramento, California.

Vice-president.—C. P. Huntington, New York, New York.

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Secretary.—E. H. Miller, jr., Sacramento, California.
Treasurer.—Mark Hopkins, Sacramento, California.
Acting chief engineer.—S. S. Montague, Sacramento, California.
Attorney and general agent.—E. B. Crooker, Sacramento, California.

THIRD.

The amount of stock subscribed is	$881,100
The amount actually paid in	881,100

FOURTH.

For a description of the lines of road surveyed and the lines thereof fixed upon for the construction of the road to January 1, 1871, we would respectfully refer to the former annual reports of the company made to the Secretary of the Treasury. In addition thereto the following surveys have been made:

	Miles.
Preliminary survey from Brighton to Stockton	41
Two lines from Stockton to San Joaquin River	22
Surveys of different routes for crossing San Joaquin River	20
Preliminary line from Livermore Pass (Mt. Diablo Range) to San Joaquin River	14
Location survey in Alameda and Siñol Valleys	10

FIFTH.

The amount received from passengers on the road is nothing, the road not having been in operation.

SIXTH.

The amount received for freight on the road during the year is nothing.

SEVENTH.

The expense of said road and its fixtures for the year is nothing.

EIGHTH.

Indebtedness of the company.

In bonds of the company	$211,000
In bonds of the United States Government	320,000
Total	531,000

STATE OF CALIFORNIA, *County of Sacramento:*

Leland Stanford, being duly sworn, says that he is the president of the Western Pacific Railroad Company, and that the foregoing report is true and correct.

LELAND STANFORD.

Subscribed and sworn to before me, this 12th day of March, 1868.

EDW. CADWALADER,
Notary Public.

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REPORT OF THE DENVER CITY RAILWAY AND TELEGRAPH COMPANY.

DENVER, C. T., A. D. 1870.

SIR: I herewith submit the annual report of the Denver Pacific Railway and Telegraph Company, in accordance with the act of Congress approved July 1, 1862.

Name of stockholders.	Residence.	No. of shares.	Name of stockholders.	Residence.	No. of shares.
County of Arapahoe	Denver, Colo	2,400	Robert E. Carr	Saint Louis, Mo	1
John Evans	do	2,600	David H. Moffat, jr., trustee.	Denver, Colo	8,750
David H. Moffat, jr	do	1	R. E. Carr	Saint Louis, Mo	8,750
W. S. Cheesman	do	1	J. E. Thomson, trustee	Philadelphia, Pa	6,250
W. M. Clayton	do	1	Do	do	6,231
Joseph E. Bates	do	1	Do	do	5,010
John Pierce	do	1			
Frank W. Cram	do	1			
W. L. Palmer	do	1		Total	40,000
Robert H. Lamborn	Philadelphia, Pa	1			

Directors.—John Evans, Denver, Colorado Territory; John Pierce, Denver, Colorado Territory; D. H. Moffat, jr., Denver, Colorado Territory; W. T. Palmer, Denver, Colorado Territory; W. S. Cheesman, Denver, Colorado Territory; William M. Clayton, Denver, Colorado Territory; Frank Palmer, Denver, Colorado Territory; Robert E. Carr, Saint Louis, Missouri; R. H. Lamborn, Philadelphia, Pennsylvania.

President.—John Evans, Denver, Colorado Territory.

Vice-president.—John Pierce, Denver, Colorado Territory.

Treasurer.—David H. Moffatt, jr., Denver, Colorado Territory.

Secretary.—R. R. McCormick, Denver, Colorado Territory.

Superintendent.—C. W. Fisher, Denver, Colorado Territory.

General agent.—William Wayner, Denver, Colorado Territory.

Stock subscribed.

Amount of stock subscribed and actually paid in $4,000,000

Receipts from passengers.

Amount received from passengers $45,650 00

Receipts from freight.

Amount received from freights $70,055 00

Description of road.

Line of road completed from Denver, Colorado Territory, to Cheyenne, Wyoming Territory, in accordance with the plat of line filed in the office of the Secretary of the Interior, Washington City, D. C.

Construction account.

Amount of capital stock	$4,000,000
Amount of bonded debt	2,500,000
Total cost of road and fixtures	6,500,000

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Indebtedness.

Amount of capital stock	$4,000,000
Amount of first mortgage bonds	2,500,000
Total indebtedness	6,500,000

I, John Evans, president of the Denver Pacific Railway and Telegraph Company, do solemnly swear that the foregoing statement is true, to the best of my knowledge and belief.

JOHN EVANS,
President.

The Hon. SECRETARY OF THE TREASURY
Of the United States of America.

TERRITORY OF COLORADO, *County of Arapahoe:*

Sworn and subscribed before me, a notary public, this the 31st day of October, 1870.

[SEAL.] JOHN C. ANDERSON,
Notary Public.

REPORT OF THE SIOUX CITY AND PACIFIC RAILROAD COMPANY.

SIOUX CITY AND PACIFIC RAILROAD COMPANY,
OFFICE OF THE PRESIDENT,
Blairstown, New Jersey, February 25, 1868.

SIR: Your letter of the 11th instant is duly received, with the accompanying resolutions of Congress, relating to returns of Union Pacific Railroad and other railroad companies named in act approved July 1, 1862.

In reply I would respectfully state that the returns called for were made to the Secretary of the Interior instead of the Secretary of the Treasury, under a misapprehension, and were filed in that Department. I now have the honor to transmit herewith the returns for the last year, applicable to this company's affairs, up to the time herein named.

Document marked A, chief engineer's report on cost of the road, &c.

B. Chief engineer's report of the commencing of the work in July last. Grading 62 miles, track laid 36 miles, line of road, progress of the road, rolling-stock on hand and contracted for.

C. President's report, verified under oath.

D. Acknowledgment of the Secretary of the Interior of the filing of the documents in his Department.

E. Directors and officers of the company, with their residences.

F. The appointment of William W. Walker, secretary, in place of James M. McKinlay, resigned.

G. Supplementary report, with affidavit of the president.

J. I. BLAIR,
President.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury, Washington, D. C.

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DOCUMENT A.

OFFICE OF THE CHIEF ENGINEER AND GENERAL AGENT,
Cedar Rapids, Iowa, June 20, 1867.

Herewith I have the honor to submit an estimate of the cost of constructing the Sioux City branch of the Union Pacific Railroad, as now building by the Sioux City and Pacific Railroad Company.

The length of the line from Sioux City to an intersection with the Union Pacific near Fremont, in Nebraska, is one hundred miles.

The cost will be about as follows:

220,000 cubic yards of earth-work, at 35 cents	$812,000
Culverts and bridging, including Howe truss-bridges across Floyd's, Sioux, Soldier, and Elk Horn Rivers	147,000
285,120 hardwood ties for 108 miles, including main line and sidings, at $1	285,120
10,400 tons rails, including freight on same	1,296,000
Sixty steel frogs and switch-rigging	9,000
Track-laying, surfacing, and ballasting 108 miles	216,000
Ten depots and four turn-tables	44,000
Five water-stations and wood-sheds	18,000
Three engine-houses	45,000
Right of way and station grounds	100,000
Fencing and trackmen's houses	150,000
Telegraph-line	22,500
Office and miscellaneous expenses, engineers' salaries, &c	142,000
Missouri River bridge	1,130,000
Equipment:	
Twelve locomotives	200,000
Two hundred box-cars	200,000
Ten passenger-cars	60,000
Six baggage, mail, and express cars	15,000
Thirty-five flat and coal cars	35,000
Fifteen hand-cars	3,500
Machine-shops, tools, &c	38,000
Total	4,968,120

The above amount would fully complete and equip the road in all respects sufficient for the present business. The item of $1,130,000 for a bridge over the Missouri River, can be avoided temporarily by substituting for the first three or four years large steam ferry-boats, arranged for transporting cars. The necessary boats, dockage, and approaches would require an expenditure of $100,000.

The foregoing estimate is based on the improved line, a map of which I forward you herewith. (The map here referred to, of a different location, was accepted and placed on file in the office of the Secretary of the Interior.)

No material change has been made in the location, yet considerable saving has been made in the gradients.

The completion of the map and estimates of the earth-work has been seriously delayed, in consequence of a fire, which destroyed the company's office last spring, and all the maps, profiles, and notes of the line, which were in the office, were burned, and additional field-work has been required to supply the losses.

Very respectfully,

W. W. WALKER,
Chief Engineer.

J. I. BLAIR, *President.*

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DOCUMENT B.

SIOUX CITY AND PACIFIC RAILROAD COMPANY,
CHIEF ENGINEER'S OFFICE,
Cedar Rapids, Iowa, November 28, 1867.

Herewith I have the honor to submit the following report of the progress made in the construction of the Sioux City and Pacific Railroad.

After the contract for grading was let last November, I deemed it best to postpone work on the main line and begin the grading on the branch of the Cedar Rapids and Missouri River Railroad, which connects that line with this in a distance of six and a half miles, near the Missouri River crossing.

The early freezing of the ground last fall, and the unusually wet spring and floods in the Missouri Valley this season, so much delayed the completion of the grading, that the branch was not finished and ready for use until August last.

In July the work of grading the first sixty-eight miles from Sioux City was vigorously commenced, and I am pleased to state that sixty-two miles of the grading is now completed, and that the remaining six miles will be finished about the 5th of next month, except one cut two miles from Sioux City, which will be about the 1st of January next. Track-laying was commenced in September at the junction with the Cedar Rapids and Missouri River Railroad Branch, and at this date thirty-six miles of the track has been finished and brought into use. And it is intended to have at least fifty miles completed during December, and the remainder of the line to Sioux City in January.

The track-laying and building have been much delayed by the inability of the Chicago and Northwestern Railroad Company to deliver the materials promptly, owing to the great press of business on that line and their very limited supply of platform cars for carrying iron and timber. The track party have had repeatedly to stop laying track and wait for iron or bridge-timber. The station-house at River Sioux is not so far completed as to be occupied, and at Onawa and Sioux City the station-houses are now building.

A temporary engine-house and blacksmith-shop and storehouse have been built, and permanent water-tank at Missouri Valley Junction, and also water-tank at River Sioux and Onawa.

Houses for section-men have also been built at convenient distances along the line.

The rolling-stock of the company consists of 2 first-class locomotives, 40 box and platform cars, 4 large boarding-cars, 1 office-car, and 7 hand-cars.

The following rolling-stock is under contract, to be delivered during December, viz: 1 first-class locomotive, 2 passenger-cars, 2 baggage and express cars, and 5 box-cars.

In laying the track 2,640 ties per mile have been used, and the best quality of American iron, weighing 56 pounds per yard, with improved fish-bar splices.

After reaching a point about three miles from Sioux City, we have sixty-five continuous miles without a cut, and an average descent of only about eighteen inches per mile, and but four curves. One of the tangents is twenty-seven miles in length.

A first-class telegraph-line is also constructed by the company from Missouri Valley Junction, where it will connect with the Western Union

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Telegraph line, and is now completed about thirty-eight miles from that point, and will be finished to Sioux City as soon as the railroad or before.

Respectfully submitted.

W. W. WALKER,
Chief Engineer.

J. I. BLAIR, *President.*

DOCUMENT C.

OFFICE SIOUX CITY AND PACIFIC RAILROAD COMPANY,
Cedar Rapids, Iowa, November 29, 1867.

SIR: My last annual report, stating the condition, progress, and intentions of this company, was dated November 16, 1866, and is now on file in your Department.

With that report I submitted copies of instructions to J. E. Ainsworth, chief engineer, of date of April 21, 1866, and also his report, dated November 1, 1866. I now submit a report of the operations of the company during the past year, and also the present condition of its affairs.

The accompanying report of William W. Walker, the present chief engineer of the company, shows somewhat in detail the progress that has been made in grading, bridging, track-laying, erecting buildings and telegraph-line, and also the amount of rolling-stock now on hand and contracted for.

From this report it will appear that, although work was not commenced until July last, thirty-six miles of the road are now completed and in operation, and sixty-two miles graded. Thirty-eight miles of telegraph-line have been built, and the completion of the first sixty-eight miles from Sioux City is almost a certainty during the next two months. The company will thus be able to deliver freight and Government supplies destined for the Upper Missouri Valley at Sioux City by rail before the opening of navigation in spring. The equipments of the company, which at present consist of two locomotives and forty-five cars, will be increased in December by another locomotive, and two passenger, two baggage and express cars, and five freight-cars; and such further additions will be made from time to time as may be necessary for the prompt transaction of the business which may offer.

The company has purchased over six thousand tons of the best American iron, weighing 56 pounds per yard, of the pattern and laid with the splice-bar joints recommended by Government officials. The company has collected over $1,200,000 on the subscription to its corporate stock, which sum has already been mostly paid out in the purchase of materials and on construction.

I also inclose herewith, for filing in your Department, as required by law, a report of William W. Walker, chief engineer, dated June 20, 1867, showing the estimated cost of the road when completed.

All of which is respectfully submitted.

JOHN I. BLAIR,
President Sioux City and Pacific Railroad Company.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

STATE OF NEW JERSEY, *County of Warren:*

Sworn to and subscribed before me this 25th February, 1868.

MARSHAL HUNT,
A Master in Chancery of New Jersey.

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DOCUMENT D.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 6, 1867.

SIR: I have received your letter of the 29th ultimo, with the accompanying reports from the chief engineer of your company in regard to the progress and condition of the road, and the estimated cost of the same when equipped for business. Your letter and inclosures have been placed on file.

Very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

JOHN I. BLAIR, Esq.,
President Sioux City and Pacific Railroad Company,
Blairstown, New Jersey.

DOCUMENT E.

OFFICE SIOUX CITY AND PACIFIC RAILROAD COMPANY,
Cedar Rapids, Iowa, December 15, 1867.

SIR: I have the honor to hand you a list of the directors of this company, elected August 7, 1867, for the ensuing year, together with the officers of the company:

Directors.—John I. Blair, Blairstown, New Jersey; William B. Allison, Dubuque, Iowa; Perry H. Smith, Chicago, Illinois; Durett C. Blair, Belvidere, New Jersey; A. W. Johnson, Belfast, Maine; Oakes Ames, North Easton, Massachusetts; Platt Smith, Dubuque, Iowa; Joseph H. Scranton, Scranton, Pennsylvania; Charles A. Lambard, Boston, Massachusetts.

President.—John I. Blair, Blairstown, New Jersey.

Vice-president.—William B. Allison, Dubuque, Iowa.

Treasurer.—J. M. S. Williams, Boston, Massachusetts.

Assistant treasurer.—Platt Smith, Dubuque, Iowa.

Secretary.—J. M. McKinlay, Dubuque, Iowa.

Assistant secretary.—Charles E. Vail, Blairstown, New Jersey.

Chief engineer.—W. W. Walker, Cedar Rapids, Iowa.

Consulting engineer.—J. E. Ainsworth, Dubuque, Iowa.

Executive committee.—John I. Blair, Charles A. Lambard, Oakes Ames, D. C. Blair, and William B. Allison.

I certify that the above are the names and residences of the directors and officers of the Sioux City and Pacific Railroad Company.

JOHN I. BLAIR,
President.

Attest:
C. E. VAIL,
Assistant Secretary.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury, Washington, D. C.

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DOCUMENT F.

At a meeting of the board of directors, February 7, 1868, the resignation of James M. McKinlay as secretary was read and accepted; and thereupon William W. Walker, esq., of Cedar Rapids, Iowa, was appointed secretary.

DOCUMENT G.

Supplementary report.

Since the date of the foregoing report, marked C, I have to report the engine, cars, and rolling-stock mentioned in the engineer's report have all been received and placed upon the company's road; that the track is laid to and within the corporate limits of Sioux City. The chief engineer also reports that fifty miles of the railroad was completed during December last and ready for business.

STATE OF NEW JERSEY, *Warren County, ss:*

John I. Blair, of full age, being duly sworn, on his oath saith that he is the president of the Sioux City and Pacific Railroad Company, and that the foregoing supplementary report is true, to the best of his knowledge and belief.

JOHN I. BLAIR.

Sworn and subscribed before me this 25th day of February, 1868.

MARSHAL HUNT,
A Master in Chancery of New Jersey.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 214.

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS.

[To accompany bill H. R. 1359.]

LETTER

FROM

THE SECRETARY OF WAR,

IN RELATION TO

The Bureau of Refugees, Freedmen and Abandoned Lands.

MARCH 25, 1872.—Referred to the Committee on Freedmen's Affairs and ordered to be printed.

WAR DEPARTMENT, *March* 21, 1872.

The Secretary of War has the honor to submit to the United States Senate and House of Representatives the inclosed communication from the officer temporarily in charge of the Bureau of Refugees, Freedmen and Abandoned Lands, in reference to its financial condition, for the information of Congress, and in connection with the bill H. R. 1359, proposing the abolishment of the Bureau, now pending before the Committee on Freedmen's Affairs of the House of Representatives.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT, BUREAU OF REFUGEES,
FREEDMEN AND ABANDONED LANDS,
Washington, March 14, 1872.

SIR: I have the honor to invite your attention to the financial condition of this Bureau, and to request your advice thereon.

The law requires the continuation of the freedmen's hospital in this city, and the payment of bounty, prize-money, &c., to colored soldiers, sailors, and marines in every part of the country, and the total amount appropriated for these purposes for the fiscal year ending June 30, 1872, is $165,500, *i. e.*, $100,000 less than the Commissioner asked for.

Every effort has been made to bring the expenditures within the amount appropriated, by reducing the number of agents and clerks to the lowest possible point consistent with any efficient execution of the law, but now the funds are nearly exhausted. If all bills and claims shall be paid at the end of this month, only about $1,000 will remain.

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A bill is now before the Committee of the House on Freedmen's Affairs abolishing this Bureau, and providing for the hospital.

If that bill could be acted upon at once, it would relieve me from the embarrassment of my present position.

Very respectfully,

E. WHITTLESEY,
A. A. A. G., in absence of the Commissioner.

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HARBOR AT MOBILE.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The improvement of the harbor at Mobile, Alabama.

MARCH 25, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *March* 21, 1872.

The Secretary of War has the honor to send to the House of Representatives a copy of the report of a board of engineers recently organized at New Orleans under directions for the preparation of a plan for the improvement of the harbor of Mobile, Alabama, which comprises all the information received by the Department upon that subject and not heretofore communicated to Congress, and meets the request of the resolution of the House of the 7th instant.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 18, 1872.

SIR: In compliance with the following resolution of the House of Representatives of March 7, 1872, viz: "That the Secretary of War be requested to furnish to this House any information in his possession in regard to the improvement of Mobile Harbor, Alabama, not heretofore submitted," I beg leave to transmit a copy of the report of a board of engineers recently convened at Mobile for the purpose of preparing a plan for the improvement of that harbor.

The views of the board are fully concurred in by me.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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MOBILE, ALABAMA, *February* 14, 1872.

GENERAL: The board of engineers constituted by the following order:

[Special Orders No. 4.—Extract.]

HEADQUARTERS CORPS OF ENGINEERS,
Washington, D. C., January 6, 1872.

I. A board of engineers to consist of Co'onel J. H. Simpson, Corps of Engineers; Lieutenant Colonel Z. B. Tower, Corps of Engineers; Lieutenant Colonel H. G. Wright, Corps of Engineers; will convene in Mobile, Alabama, on January 20, or as soon thereafter as practicable, to prepare a plan for the improvement of the harbor of Mobile. In connection therewith the board will examine the projects of the "board for the improvement of the river, harbor, and bay of Mobile, organized under authority of the State of Alabama," and report their views as to the probable effect of the work projected by that board upon the operations now being carried on by the United States for the improvement of Mobile Harbor, and upon those proposed by the plan they may submit for its improvement, and what modifications, if any, should be made in the projects of the State board.

Captain A. N. Damrell, Corps of Engineers, will act as recorder of the board.

* * * * * * *

By command of Brigadier General A. A. Humphreys:

JNO. G. PARKE,
Major of Engineers.

met at the city of Mobile, February 3, instant, the earliest day practicable, all the members, with the recorder, being present. They continued their sessions from day to day, examining maps of the river and bay of Mobile, and projected plans for their improvement, and such reports of boards and of officers of the Corps of Engineers as were at hand, visiting the localities of interest connected with the projected plans of improvement, viz: The inner harbor of Mobile, Choctaw Pass and Bar, the lines of channel obstructions, and Dog River Bar as far as the anchorage of the upper fleet, causing soundings to be made and specimens of the bottom to be procured whenever thought necessary; and further seeking information from other sources as to the condition of the bars and the depth of the water thereon, as well as in the channels, for the past forty years. On application to the "board of improvement of the river, harbor, and bay of Mobile, organized under authority of the State of Alabama," they were courteously furnished with their projected plans of improvement, with explanations of the same, both verbal and in writing, by their engineer, General Braxton Bragg; and they now have the honor to submit the following report as required by the foregoing order of the Chief of Engineers, giving their views as to the method of improvement of the channels of approach to the city of Mobile, "and as to the probable effect of the works projected by the board of improvement of the river, harbor, and bay of Mobile" upon the operations now in progress, and upon those still necessary to open the channel-way, as proposed by the General Government.

REPORT.

The inner harbor of Mobile is properly the anchorage in the Mobile River, extending northward from its mouth at Choctaw Bar. This river opens into the bay of Mobile, which extends a distance of about thirty miles to the south to Dauphine Island and Mobile Point. This bay or basin is, for the greater part, shoal; and it is this shoalness to so great an extent southward from the mouth of Mobile River that constitutes the difficulty in the way of obtaining and preserving the requisite depth of water on the line of approach to the city from the anchorage below.

At this date 21 feet depth at mean-low water is maintained on the

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outer bar and in the "lower-fleet" roadstead, about twenty-five miles from Mobile, while 13-foot draught can ascend the bay to the "upper fleet," opposite Dog River, about nine miles distant from the mouth of Mobile River. The water shoals gradually from this 13-foot curve to Dog River Bar, where its least depth in the channel, three miles distant from Choctaw Bar, is but 9 feet, deepening again above to 10 feet till the lower line of obstructions is reached. From this point to the upper obstructions the direct channel and that of Spanish River show a least depth of 12 feet, the latter river, however, having a greater depth through the larger portion of its length, while the former shoaled at Choctaw Point to 7½ feet at mean-low water before the excavations now in progress were commenced. The want of hydrographic charts of Mobile Bay (none prior to 1852 being before this board) prevents us from ascertaining the earlier condition of the channels of approach to the city and of the exterior bars farther than can be derived from the testimony of Captain John Grant, a well-known and intelligent citizen of this place, of large personal experience, having been engaged on works of harbor and channel improvements for the past forty-five years, and residing in this vicinity for the greater part of that period. By his testimony the outer or Dog River Bar does not vary essentially, having maintained from 8 to 9 feet depth of water over its shoalest part since his arrival at this place in 1826, while Choctaw Bar gradually shoals from year to year, but very slowly. The greatest depth of water on this bar being but 5½ feet in 1828–'29, it was then dredged to give a channel-way of 8 feet at mean-low tide, which was again deepened by the same process in 1838–'39 to 10 feet; but having been left without further care for a period of twenty-one years, was found, in 1870, to have but 7½ feet depth. Southerly and southeast winds, it is believed, create a wash in Garrow's Bend that moves the sands of that shore around Choctaw Point, causing the shoaling of the waters southeasterly from that point and on Choctaw Bar, and gradually filling Choctaw Pass. Some forty samples of the bottom soil were procured from the pass and bar, and from various portions on the shoals to the west, and from Garrow's Bend, which seemed to confirm the opinion that the shoaling process, both in the pass and on the bar, is due, at least in part, to the accumulations drifted from the bend, and that jettees might be advantageously placed along that shore to prevent this drift. The river, doubtless, deposits some of its silt, as the waters at its mouth widen; but if the sand-drift from the bend can be effectually checked, the shoaling process on the bar will probably be much less rapid than at present. Our opinion, in this respect, differs from that of the board of 1860.

Having thus briefly described the channel of approach from the anchorage of the bay to the inner harbor of Mobile, and the two obstructing bars to this passage, and pointed out (what is apparent from an examination of the chart of Mobile Bay) that the difficulty in the way of its improvement arises from its being merged or lost in the waters of a wide shoal bay extending southward about twenty-five miles before gaining a depth of 18 feet, this board are compelled to admit that the problem before them does not promise an easy or entirely satisfactory solution, or, at least, one that will give, in a strict sense, a permanent improvement.

Such a channel or passage-way can only be deepened by the scouring-process, or by dredging, or by both combined. The first would require that the river currents, to effect this end, should be confined within narrow limits by dikes or jettees, which, carried so far into the bay, would be very costly, and if made with timber, the only material avail-

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able within reasonable limits of expenditure, would decay above the low-water line, and in its southern portion would be rapidly destroyed by the sea-worm. Moreover, the river-silt, passing through this channel, would rapidly form a bar at its mouth, necessitating the prolongation of the inclosing dikes, or the dredging of the bar at short intervals, either of which operations would require frequent outlays in addition to the original cost.

The board see such objections to this method of improving the channel of approach to the city of Mobile from the upper anchorage that they have not deemed it necessary to make any plans or estimates of its cost.

The other method of improving this channel by dredging will also be very costly, and it cannot be hoped that the results will be entirely permanent; in other words, that the depth attained will be preserved without additional dredging from time to time. Of the two methods, the board, however, prefer the latter, believing it the more likely to procure, if not a strictly satisfactory channel, at least a better one than can be obtained at the same cost by any other means that have been suggested. The operations necessary to dredge this channel to a suitable depth will probably involve an outlay of $630,000 in addition to that already granted, and small appropriations from time to time to preserve the depth of water attained on the completion of the work.

Admitting the above conclusion of the board, that the dredging-process is the preferable method of improving the channel of approach to the city, two projects present themselves for our consideration: the first, to dredge Choctaw Bar to a depth of 9 feet at mean low water, the present depth on Dog River Bar, which would permit the passage of vessels of 11-foot draught at high-tide, and which could be effected and maintained without great cost; and the second, to dredge a suitable channel, 13 feet deep, over both bars, for a length of nine miles from the inner harbor of Mobile, giving a draught of 15 feet at high water to the upper fleet anchorage, and during the prevalence of southerly winds one foot more. The board are of opinion that the commercial interests of the city and State will justify the large expenditures as estimated to secure the deeper or 13-foot channel. The problem for solution, in this bay, is similar to that in Patapsco Bay, for the improvement of the channel of approach to the harbor of Baltimore. If the method by dredging is a success there, as it is believed to be, it will probably be so here, as the bay of Mobile is not more exposed to action of storm-waves than the open reach of Patapsco Bay.

As to the direction of this artificial channel, the board concur with that of 1860, and with both of the engineer officers recently in charge of the Mobile Harbor improvements, that the line of deepest water should be followed as it has existed for the past fifty years, since this line must now be regarded as a resultant of a fixed regimen of the different rivers uniting to produce this channel. The curve at the upper obstructions should be made as gentle as possible, and the opening or width of channel in that part somewhat increased, to admit the ready passage of the largest class of vessels that may enter the inner harbor of Mobile. It is recommended that this excavation be restricted to a width of 200 feet throughout its length, at least until its comparative permanency can be vested or established.

The board give it as their opinion that this excavation should be made as rapidly as possible, for if portions only are dredged, and left in an even or lumpy condition, such portions will fill to the level of the projections; and, besides, there will not be a clear water-way for the

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ready movement of the bottom current until each bar is cut entirely through and finished to an even surface. If, on the other hand, this dredging should proceed slowly and at intervals, it will be but a partial success. No good results can be predicted, except from a rapid and thorough execution of the work. The sketch accompanying this report shows the channel in red lines, as proposed by the engineer officer of this station, with the slight modifications at the upper bend already alluded to, and now submitted by this board to the Chief of Engineers, for his consideration.

It should be here noticed that the State board of harbor improvement, under the direction of its engineer, General Braxton Bragg, have removed the upper obstructions across the channel of the Mobile River, immediately beyond the Choctaw Bar, to a width of 600 feet. The remaining portion of this obstruction westward is not thought to be prejudicial to the channel. In similar manner, the gap in the lower obstruction has been opened to a width of 600 feet. Where the channel-way of Spanish River crosses the upper obstructions the gap is now about 200 feet wide. It is apparent that the width of this channel, and the great body of water, that of Spanish and Tensaw Rivers combined, passing in this direction, require a wider opening through this line of obstructions—an interval of at least 600; otherwise the flow in part will crowd eastward, and not continue in its proper direction to unite with the current of Mobile River, through the outer channel over Dog River Bar. It would be well for a year or more to observe closely as to the effect of the remaining portions of these obstructions, with a view to ascertain if they are in any manner prejudicial or beneficial to the channel-way as it now exists beyond the debouches of the several rivers into Mobile Bay; and further, as to expediency of extending the upper obstructions westward to the shore at Choctaw Point.

The board having given their opinion as to the method of improvement which promises a better channel of entrance to the river harbor of Mobile, in compliance with their instructions, will now present their views as to the probable effect of the works projected by the "board for the improvement of the river, harbor, and bay of Mobile," organized by the State of Alabama, upon the operations now in progress on the part of the United States to deepen the channel of approach to the city. These projected works are explained in accompanying paper, submitted by General Bragg to this board, marked A, in the appendix. Quoting from this manuscript, the first of these projected works now in process of construction is "a structure of piles and filling across the head of Pinto or Middle Pass, intended to close the same, and force the water now flowing through that pass into the main channel by Choctaw Point." There will be some increase to the volume of water flowing out of the mouth of Mobile River by shutting up this pass, producing, probably, some scouring effects below on the river-banks or bottom, the heavier or sandy portions of which, if this increased flow of water be rapid enough to move sand, will be redeposited as soon as the slack-water will permit, while the finer portions will be carried farther out into the bay, and mostly dispersed in its shallow waters on Dog River Bar and beyond. And here it may be well to observe that any scouring-process that moves material from the banks or bottom of a river near its mouth, only transfers it into the bay or sea beyond, to form a bar there, if the water be shoal. Any large increase in the flow of Mobile River will probably move Choctaw Bar farther toward the bay, and result in injury to the works now in progress. This bar is nearly all sand, and no current in the upper part of the bay is rapid enough to disperse it. The

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aim of all works of improvement at this locality should be to avoid such operations as lead to the movement of sand to the mouth of the river. In fact, the deepening of Mobile River by the scouring-process seems incompatible with the preservation of the channel through Choctaw Bar, as now in progress of execution. It is questionable, however, if this dike will create any such serious disturbance in the river; and this board do not, therefore, make a point of objecting to its construction any further than noticing its possible detriment to the excavations on the bar below. If these excavations had not been commenced, the board would not have thought it necessary to have presented any remarks as to the closing of Pinto Pass.

2d. "A similar work along and in prolongation of Pinto Island at its southern end, to 6 feet of water, intended to close the opening through that marshy bank, keep the water concentrated in the channel, and prevent a constant washing by southeast winds upon the lower city front, and by which it is believed much sedimentary matter is driven into the stream and carried down to be redeposited on reaching slack-water." No objection is made by the board to this construction.

3d. "A similar work just below the swamp at Choctaw Point, to check the abrasion long continued on that part of the city front, and incidentally to intercept a drift, believed to aid in the formation of Choctaw Bar. Originally projected to a length of 4,000 feet, this work is now restricted to 1,500, at the shore end." This jettee is now being constructed, and two other short jettees are also to be constructed under same authority, to the westward of the present jettee, if found advisable. The board are of the opinion that the jettee now being constructed will prove beneficial in preventing sand from being drifted along by the shore current upon Choctaw Bar and Pass. They would, however, have recommended the construction of the several short jettees, beginning at a point further to the westward on this shore, to accomplish the same purpose, if the present jettee had not been commenced by General Bragg.

4th. "The removal of two large wrecks opposite the city, which not only impede navigation, but serve to accumulate deposits and cause the formation of bars." These sunken vessels disturb the regimen of the river, and their removal must be beneficial to the preservation of its normal condition, as well as to freedom of movement of shipping in this inner harbor. The manuscript continues as follows:

These include all the works now in progress under this board. At the time they were projected, it was also contemplated to remove a heavy structure on the west side of Pinto Island, including large deposits above and below it, which had narrowed the channel to the serious injury of navigation, and tended to force the water through Pinto Pass. This was deemed the more necessary as a serious encroachment has been made on the opposite side of the river, by the construction of a railroad wharf far into the stream. This work was abandoned in deference to opposing views from those engaged in the removal of Choctaw Bar.

The removal of the heavy structure, which seems to be a line of piles serving as a boom for logs, would probably be beneficial as preventing sedimentary deposits along the west shore of Pinto Island. The objection urged by General Simpson, as stated by him to this board, was made as to the manner of removing the "large deposits above and below" the pile structure, or boom, including a large portion of Pinto Island, it being understood by him that the removal in question was to be done by excavation, so far only as it was necessary to effect the purpose, and the rest by the scouring-process, which would carry large quantities of silt, sand, roots, logs, &c., into the channel then in process of excavation through the bar below. Excavation on the Pinto Island

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side of the channel, to increase its width and depth, made by dredging, would not interfere with the present operations on the part of the United States. And the board would here give their opinion that the deepening of the water about the wharves or steps of the city front, or in shoal places of the channel, on the opposite shores, ought to be done by dredging, and not by constructions that induce scouring at these points, as the material thus washed away by currents must be transported to be redeposited where the river opens into the bay.

General Bragg goes on further to state that—

Upon the completion of the above-named works, it is contemplated to reduce the width and depth of Spanish River at its head, and thus force a portion of its present current through the main stream, but not to an extent impeding the passage by any vessel which can now reach that point. It is believed these several additions to the main stream will be ample to restore to our use our greatly impaired water-front, and give a depth of water thereat sufficient for all present purposes. Should this anticipation not be realized, similar work may be necessary at the head of Tensaw.

This proposition to shut up the head of Spanish River, leaving only a passage for vessels, if effectual in largely increasing the flow of water in Mobile River, may, and probably will, scour away sedimentary deposits along the wharf-front, or increase the depth of water of the river, washing the bottom to a greater depth than is needed, for it is well established that a large increase in the flow of a river will seriously disturb its regimen; but precisely in what manner, it is difficult to be foreseen. At any rate, most of the material removed, whether by erosion of the banks, or by scouring the bottom, will be swept down and redeposited where the widening of the waters check their velocity sufficiently to permit such deposit. It does not follow as a sequence of this increase that its efforts will be directed only to those points which require deepening. In the present case the abrasion may take place at one or many points along the Mobile River, above the city, where such disturbance cannot be otherwise than detrimental, as well as in its front. To the extent, therefore, that this partial closing of the head of Spanish River may increase the cross-section of Mobile River, whether above the city, where nothing is to be gained by widening or deepening it, or along the city front, the wash carried below will doubtless be of serious injury to the channel proposed on the part of the General Government. Besides, so great a change in the regimen of Mobile River will doubtless produce a change in the regimen of the channel beyond Choctaw Pass, probably giving a new direction to the flow of the combined waters below that pass. It is impossible to anticipate the alterations that would result from so important a change as the throwing of the greater part of the waters of Spanish River into Mobile River. Should the head of Tensaw River, in addition to that of Spanish River, be similarly closed by obstructions reaching almost across the water-way, the disturbance of the regimen of Mobile River will be farther increased, and the injurious results to the works below proposed by the United States proportionally augmented. If we supposed both of these rivers closed, or nearly so, the bar at the mouth of Mobile River would probably be thrown farther southward, and the direction of this single current would doubtless be different from that which now results from the combination of the streams of Spanish and Mobile Rivers, between the two lines of obstructions. It matters little where this bar is formed, whether at Choctaw Pass or farther southward, it will probably require dredging to give passage to vessels of 13-foot draught at mean low water, and whatever may be the result of the changed regimen of Mobile River, by the greater flow of water between its banks, there still will remain the long reach of shallow water of the bay, beyond the bar southward, as far as

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the 13-foot curve, (about seven miles,) to be dredged as proposed in this report, to get the required water-way. It is to be remembered that the bar at the mouth of Mobile River, only 3,200 feet across, is but a small obstacle to the passage of vessels to the inner harbor of Mobile. Below the lower line of obstructions nearly the same amount of water flows now, viz, the combined streams of Mobile and Spanish Rivers, as would result from joining these streams at some higher point.

It would seem that General Bragg, in his arguments in favor of enlarging the water-flow of Mobile River, has lost sight of this important feature of the bay, in his anxiety to work immediate benefit to the wharf-front and anchorage of the city. For the reasons thus set forth, this board are of opinion that the partial closing of both or either of the two named rivers, as proposed by General Bragg, would effect serious detriment to the operations now in progress by the General Government, and to those proposed in continuance of plans of improvement which have received the sanction of the board of 1860, of the successive engineer officers on this station since that date, and of the Chief of Engineers of the United States Army.

General Bragg's manuscript goes on further to state that—

> It is also proposed to continue filling the slips between wharves along the city front, and eventually to build a solid bulk-head along the whole, as indicated on plan No. 3, cutting off such wharves as project beyond the new line, and extending all others to it.

The sketch accompanying this report, and the ordinance of the city of Mobile, marked B, in the appendix, exhibit this new line of water-front as established by the city authorities. It seems that some of the wharves are open pile constructions, and others are solidly filled in with earth; and that in the upper part of the city the slips are more or less shoaled, so as to admit only the smaller class of vessels. The city sewers pouring sandy and other material into these slips, and the eddies formed by the wharves and by the shipping lying in these slips, are doubtless the causes of the sedimentary deposits that have rendered these wharves almost useless. To remedy this defect of construction it is proposed to eventually fill up these slips, and build a continuous bulk-head along the line established by the city ordinance above referred to, and it is expected that this change will give a sufficient depth of water along the city front for the largest class of vessels that can enter the inner harbor.

It would seem, in this connection, that some method of sewerage might be adopted to prevent the large quantities of sand carried through the sewers from being thrown into the river, and thus eventually finding their way to the bar at its mouth. The board notice this defect of the city sewerage, not in the spirit of criticism, but rather with the desire that such cause of detriment to the improvements proposed may be avoided if possible. General Bragg, in conversation with the board, alluded to this defect in the city sewerage, for which no remedy has, as yet, been proposed. The line, as marked out between Theater and Elmira streets, encroaches quite into the river, in that part which is opposite to Pinto Island, where the harbor is narrowest. This portion of the line was doubtless determined upon while the State board of improvement intended the removal of a large part of Pinto Island by dredging and scouring. If no portion of this island is dredged away, this board are of the opinion that the line of wharf-front opposite would better be retired somewhat; perhaps following a curve to turn the water flowing down, so that it may impinge more obliquely on the shore below, and to secure a greater width of river and harbor in this reach. South of Elmira street the proposed line is to take a direction south 10°

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east. The city ordinance cited does not give the extent of this line in the prescribed direction, but prohibits wharves being built outside the front thus limited. It is evident that the bulkhead should not be continued in that direction any further than necessary to meet the curve of the shore, as its contour line below Elmira street ought to be preserved in order to maintain the direction of the currents as they now exist, the wharf-line thence corresponding with the shore-line.

The board have thus briefly alluded to this new wharf-front as one of the projects, not yet commenced, that might, to some extent, affect the general regimen of the river, and cause some changes in the channels being excavated below. It is thought, however, that with care to avoid what seem to be defects of this plan, as above pointed out, the improvement contemplated may prove beneficial to the city, without causing disturbance to the operations on the part of the United States, from which it is hoped a great benefit will accrue to the commercial interests of the city of Mobile.

Respectfully submitted.

J. W. SIMPSON,
Colonel Engineers and Brevet Brigadier General, U. S. A.
Z. B. TOWER,
Lieutenant Colonel Engineers, Brevet Major General, U. S. A.
H. G. WRIGHT,
Lieutenant Colonel Engineers, Brevet Major General.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

APPENDIX A.

OFFICE OF THE BOARD FOR THE IMPROVEMENT OF THE RIVER, HARBOR, AND BAY OF MOBILE,
Mobile, February 9, 1872.

SIR: In compliance with a resolution of the board for the improvement of the river, harbor, and bay of Mobile, I have the honor, in response to your request of the 7th instant, to lay before you the several maps of Mobile River, prepared in this office, including—

1. The bifurcation of the river at the head of Tensaw.
2. The same at the head of Spanish River.
3. The city front and bifurcation of the river at Pinto or Middle Pass.
4. The bay shore from Choctaw Point to the southern limits of the city.

The only works now in progress, made under the direction of this board, will be found located in pencil on these maps.

1. A structure of piles and filling across the head of Pinto or Middle Pass, intended to close the same and force the water now flowing through that pass in the main channel by Choctaw Point.

2. A similar work along and in prolongation of Pinto Island, at its southern end, to 6 feet water, intended to close the openings through that marshy bank, keep the water concentrated in the channel, and prevent a constant washing by southeast winds upon the lower city front, and by which it is believed much sedimentary matter is driven into the stream and carried down to be redeposited on reaching slack-water.

3. Similar work just below the swamp at Choctaw Point, to check the abrasion long continued on that part of the city front, and, incidentally, to intercept a drift believed to aid in the formation of Choctaw Bar. Originally projected to a length of 4,000 feet, this work is now restricted to 1,500 feet at the shore end.

4. The removal of two large wrecks opposite the city, which not only impede navigation, but serve to accumulate deposits and cause the formation of bars.

These include all the works now in progress under this board. At the time they were projected, it was also contemplated to remove a heavy structure on the west side of Pinto Island, including large deposits above and below it, which had narrowed the channel to the serious injury of navigation, and tended to force the water through Pinto Pass. This was deemed the more necessary as a serious encroachment had been

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made on the opposite side of the river by the construction of a railroad wharf far into the stream. This work was abandoned in deference to the opposing views from those engaged in the removal of Choctaw Bar.

Upon the completion of the above-named works, it is contemplated to reduce the width and depth of Spanish River at its head, and thus force a portion of its present current through the main stream, but not to an extent impeding its passage by any vessel which can now reach that point. It is believed these several additions to the main stream will be ample to restore to use our greatly impaired wharf point, and give a depth of water sufficient for all present purposes. Should this anticipation not be realized, similar work may be necessary at the head of Tensaw.

It is also proposed to continue filling the slips between wharves along the city front, and eventually to build a solid bulkhead along the whole, as indicated on plan No. 3, cutting off such wharves as project beyond the new line, (red,) and extending all others to it.

Two other small jettees, below Choctaw Point, are contemplated, dependent, however, on the effect produced by the first, now under construction.

The board has not adopted, nor even entered upon the discussion of any general plan of work in the bay, deeming it best to await the result of present operations by the General Government.

Copies of reports made by the engineer to this board are herewith inclosed, and it will afford him pleasure to comply with any request for further information or explanation on the points above indicated, or to aid personally in any manner to further the general object we must all have in view.

I am, sir, very respectfully, your obedient servant,

BRAXTON BRAGG,
Engineer to the Board.

General J. H. SIMPSON,
United States Engineers, President of Board, &c., &c., Mobile.

OFFICE OF BOARD FOR IMPROVEMENT OF
RIVER, HARBOR, AND BAY OF MOBILE,
Mobile, January 2, 1872.

To the president and members of the board for the improvement of the river, harbor, and bay of Mobile:

GENTLEMEN: At the close of the year it seems proper that a statement of the progress made since your organization in February last in prosecuting the important work confided to you by the State shall be submitted, and that a general outline of what is proposed for the future be placed upon your record.

All legal impediments having been removed, the board was organized for business on February 27, 1871, and conferred upon me the appointment of engineer, which was promptly accepted. The United States Government, with an appropriation of $50,000, was then engaged, under a contract with Captain John Grant, commencing in September, 1870, in dredging a channel through Choctaw Bar.

Preliminary to any action, and with a view to harmonize the work of this board, as far as practicable, with that of the Federal Government, the engineer in charge of the latter was requested to inform me of the plan on which he was operating, and the progress he had made in its execution. He promptly replied, furnishing a copy of his report of the 26th December, 1870, in which he details the plan proposed by a board of engineers in February, 1860, for deepening the channel through Choctaw Pass Bar and Dog River Bar by dredging, to which he gave his indorsement and approval. In addition to this, he proposed the removal, in part, of two lines of obstructions placed across the channel between these two bars, after the date of the visit and report of that board.

The estimated cost of the work necessary to test this plan, viz, dredging a channel 13 feet deep and 200 feet wide, including $45,000 for removing the obstructions, was $774,315 52. If successful, more than 50 per cent. additional would be necessary to complete the work. (See General Simpson's report, December 26, 1870.)

Expressing his satisfaction at your desire to harmonize and co-operate with him in accomplishing the end in view, the United States engineer suggested a division of this work on which he was engaged, and requested that you undertake the removal of—1st, the upper line of obstructions; 2d, the lower line of obstructions; and, 3d, to excavate the Dog River Bar channel.

At my suggestion you promptly authorized me to enter on the first two items of this work, and responsible parties were soon actively engaged under contracts with this office, which were faithfully executed, and the results, entirely satisfactory, were made known to the United States engineer.

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My attention was early called by prominent citizens and business men of the city, including some members of your board, to the condition of the city front, and of the river, above any work projected by the United States Government. Important changes had taken place since the visit of the engineer board, in 1860, and others were in progress, which, if not checked, would result, it was feared, in a final division of the river from the entire city front. Such information as could be obtained from all citizens, from pilots, and from old city maps, aided by a cursory examination, satisfied me that their apprehensions were not unfounded. It was discovered that wharf-owners, and other property-holders, on the river bank, along the whole city front, had been permitted, in contravention of authority, to build into the river beyond the former deep water-line, which was about where Water street now runs, until the channel or waterway had been permanently contracted at least 600 feet; and that the same kind of work was still progressing at an alarming rate. Had there been no other mouth to the river, or outlet for the water, an erosion of the other bank, if not similarly protected, or a deepening of the channel, would have been the necessary result. Two other natural outlets, Spanish River and Middle or Pinto Pass, however, presented an easier solution, and, by them, the water driven from the city front was conveyed to the bay. The depth of water at many of the wharves was found to have decreased so as to render them useless even for the larger class of boats engaged in river navigation. Here was a condition of affairs the continuance of which rendered large expenditures in the lower bay but a prodigal waste of means, for no result could be made available.

Before forming more than a general conclusion on so important a subject, involving a heavy expenditure, I applied for and obtained your consent to make a careful instrumental survey of the river from Choctaw Point to the head of the Tensaw. For this purpose instruments had to be procured and assistants employed. Some time during the progress of the work, about the 1st May last, the United States engineer in charge here, with whom the foregoing correspondence and understanding was had, left on "leave of absence."

During this same period proper steps were taken to secure the use of necessary dredging machinery, to be applied at such time as your means might allow and your judgment direct. Before I was made aware of the completion of the surveys which were promised me, and which were necessary as a preliminary to the dredging operation on Dog River Bar, my attention was called to an advertisement asking for proposals at the United States Engineer Office for the execution of that work, a new appropriation of $50.000 having been made by Congress. As I had satisfied my mind by this time that there was a large amount of work outside of that contemplated by the plan of dredging, which was more necessary and of less doubtful effect, no objection was made to this change of programme. Indeed I was fully convinced, after a more thorough investigation of the subject, that this experiment was too costly for you, involving over $1,000,000, if it be carried out in its full extent, however advisable its partial execution might be as a temporary mitigation of the evil, or as an adjunct to other and more enduring works. For these and other obvious reasons, and in the absence of the chief officer, with whom the aforementioned correspondence was had, the matter was passed over without comment from this office.

The survey of the city front showed such serious encroachments upon the channel of the river by structures built in direct violation of law, and yet so difficult of removal, that a new line of wharf-front was deemed advisable. In the establishment of this new line a very serious difficulty was encountered. By a city ordinance, the New Orleans Railroad Company was authorized to extend its wharves and depots between Government and Theatre streets, to a line in the river varying from 60 to 100 feet beyond the former wharf-line. This ordinance had been repealed by subsequent action, but the company claimed a vested right, and was rapidly progressing in the construction of their works. Located at the point where the current was deflected into Middle or Pinto Pass by former structures, this work became much more serious and damaging than any which had preceded it. As soon as all the facts could be ascertained, the matter was laid before you, and a committee was appointed to confer with the railroad company. After considerable delay, and much opposition from the company, a compromise was agreed on, by which the railroad yielded about two-thirds of its claim on condition that the work already done should not be removed. This was accepted by you as the best and least expensive solution of a complicated difficulty.

The new wharf-line suggested by the city engineer and myself, on the completion of this survey, was recommended by you to the city government, and promptly adopted. If adhered to, and the penalties for building over it are rigidly enforced, many of the difficulties heretofore encountered in the city front will be permanently removed.

The investigation of this whole subject of the wharf-front developed facts well worth the attention of our city fathers and property-holders. These encroachments now fill with solid structures one-third of the original river-channel, and the water has been driven therefrom into the eastern outlets. Owing to the existence of these lateral outlets, the depth of water in the remaining two-thirds of the main river, instead of having been deepened by the process of scouring, has, in reality, shoaled to an alarming extent.

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An inspection of the soundings along the old wharf-line for two-thirds its extent shows a depth varying from 5 to 9 feet only, *insufficient to accommodate the class of vessels now reaching our almost deserted port.* It is but a short sighted policy on the part of property-holders which slightly increases the area by destroying the value of the whole. But the great surprise is that this process should have continued, without objection, under the eyes of those employed to prevent it. Their attention seems to have been absorbed, however, to the exclusion of everything else, by a gigantic scheme of perpetually digging out a perpetually-reforming bottom to the bay.

The survey was continued to include the outlets to Tensaw, Spanish River, and Middle or Pinto Pass, with cross-sections, to show the relative capacity of each. The results were briefly stated in my report of the 25th August, 1871, as follows:

"The conclusions reached in my former report, as to the effect produced in the main channel of the river by the long-continued encroachments, have been fully confirmed by subsequent data, and by further study of the plans and cross-sections prepared from the surveys.

"Above the head of Spanish River, the Mobile River has an average width of fully 1,200 feet, with a cross-section of 22,250 feet, and an ample channel-way of 30 feet depth. The same distance below the head or Spanish River the width of Mobile River is found not to exceed 1,000 feet, with an average cross-section of only 13,000 feet, and a channel depth of only 15 feet. Examining further, we find this loss fully accounted for by the cross-sections of Spanish River, showing 10,000 square feet and a channel-way 20 feet deep.

"Following the Mobile River down, no material change is noticed until we reach the wharves of the city, except some 1,500 square feet added from the Chickasabogue and Three-Mile Creek. From the upper to the lower limits of the city, serious encroachments have been made, as reported in my last. The tendency has been to force the water from the city front through Pinto Pass, and this tendency has been aided by the very serious encroachments on both sides of the river below the head of Pinto Island. As the result, we find a width of only 640 feet for the main river, and a cross-section of only 7,500 square feet, just one-third of the water-way found above Spanish River. The natural effect is apparent, just below, in the gradual growth of the marsh flats on both sides of the river near the end of Pinto Island and Choctaw Point. A continuation of these causes must soon close this channel and ruin all wharf property below Theatre street, and eventually up to Government street. (All above Government street has already been rendered useless for sea-going vessels.)

"There is but one remedy for this unfortunate condition, produced by our own imprudence. Further encroachments must be stopped, the way must be opened, and the water must be brought back to the main channel. To open the way only, would leave it to be closed again by the same process, and we should have an increasing, never-ending demand for dredging. Where the river is not obstructed above the city, nature preserves its own channel, with an ample width and depth for all purposes, and it will do so in front of the city and below it, if we only permit it to exercise its own unerring laws.

"In addition to the work of opening and controlling the water-way of the river, I have projected and advised the construction of a jettee below Choctaw Point, to prevent the further abrasion of the western shore of the bay, and drifting of the sand on the Choctaw Bar, by which the labor of dredging at that point is much increased, and the practical results, at times, greatly reduced. This work will also tend to prevent the spread of the river-water as it enters the head of the bay, and thereby aid in keeping open the channel whenever the dredging shall have been completed.

"Recalling your attention to my report on this subject, dated June 12 last, I beg to submit the accompanying plans and estimates for the work necessary to carry out the suggestions then and now made, for restoring and controlling the channel-way of the river below the head of Point Island, and bringing back to its proper outlets so much of the water now diverted through eastern channels as may be necessary to accomplish this essential object."

The members of this board personally cognizant of the perilous condition of the city's interests, and no longer doubtful of the causes, unanimously adopted the suggestions, and ordered the execution of works deemed essential to preserve the river front from conversion into a stagnant and pestilent cess-pool and marsh.

The removal of the obstructions, and the surveys and other necessary work incident thereto, had brought us to the month of September, but no time had been lost except what was due to the change of programme in the office of the United States engineer, and even that has resulted in a pecuniary saving of no small amount.

Before any contracts were let for the execution of the several works projected, I was informed that one, that of cutting away a portion of Pinto Island, to restore the natural width of the river, met with opposition in the office of the United States engineer. In the prolonged absence of the chief, with whom I could confer, the board, at my request, decided not to proceed with the execution of that work. A part of the others were contracted for on favorable terms, and are now being constructed. More will be

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submitted to you as soon as the progress is such with those under contract as will justify the increased volume of water to be brought from above.

All of the work contracted for has been taken at low prices. That of removing the obstructions, for instance, was successfully completed at a cost not exceeding three-fifths of the United States estimates, and all other expenditures have been restricted to the narrowest limits. Nothing has been lost.

It is proposed for the present to continue the work of concentrating in front of the city so much of the water of the Mobile River as may be necessary to give sufficient width and depth for the accommodation of the sea-going vessels drawing 15 feet. There is but one way in which this can be done—forcing the water back from the eastern outlets into the main channel from which it has been driven. It will appear strange for me to assert that large rivers give deep, and small ones shallow water, yet this point has long been in dispute in regard to your river and harbor, and the result has been the expenditure of vast amounts without the slightest benefits ever having been apparent. Mobile River, above the Tensaw, and even above Spanish River, has ample width and depth for the accommodation of any vessel which can enter the lower bay. But so much water is taken off by these eastern mouths—as they may be appropriately called—that the main river, seriously obstructed below, and again divided at Middle Pass, has become almost useless, and is in great danger of being lost.

But for the serious opposition which this plain proposition has recently met, I should feel that I was taxing your patience by any further discussion. A few authorities will be adduced, however, in support of so plain a truism.

D. H. Mahan, "professor of military and civil engineering, United States Military Academy," for more than forty years, and under whom all the one hundred and fourteen officers now in the United States Engineer Corps graduated, including the two at this station, has published a valuable work on civil engineering, now used as a text-book at the Military Academy, in which, under the head of "rivers," he used the following plain language:

"If the river separates into several channels at the bar, dams should be built across all except the main channel, so that, by throwing the whole of the water into it, the effects of the current may be greater upon the bed."

The city of Saint Louis, some twenty years ago, was threatened with the same disaster to her front which has now befallen Mobile. By imprudently obstructing the river, the water was driven through an eastern channel, on the Illinois side. I have been unable to procure an official account of the work which was done by the United States Engineer Department to counteract this, but the following, from a report in the New Orleans Academy of Sciences, dated 1868, answers every purpose: "The plan of jettees has never been thoroughly tested at the mouth of the Mississippi, but the facility with which its currents may be controlled was illustrated in 1850, in the upper portion of the river, opposite Saint Louis, where a bar was found forming below, and extending upward in front of the city, throwing the channel on the east side of Bloody Island, and threatening to leave Saint Louis inland.* A dam of loose stones was constructed diagonally from Bloody Island to the Illinois shore, three-quarters of a mile in length, 50 feet at the base, diminishing to 30 feet, which was found effectual, turning the current into its former channel on the west side of the river, and removing the island (Duncan's) which had already formed, together with its accumulated trees, and rendered the lower landing at Saint Louis accessible to the steamboats which had formerly been driven from there by this accumulation." This work was done on no less authority than Captain R. E. Lee, United States Engineers, who was also a pupil of the venerable and eminent Professor D. H. Mahan.

In the year 1837 the city of Charleston was found in precisely a similar condition. A low marshy flat in front of the city, called Hog Island, had a channel to the east of it, through which the water of the river obstructed, as with us, was being driven. The United States engineer officer ordered to survey and report on the subject recommended the closing of this channel. The Chief of the United States Engineers, General J. G. Totten, approved this recommendation, and in his annual report, dated Washington, November 10, 1846, says, under the head of roads and harbors, closing Hog Island Channel, Charleston Harbor, South Carolina:

"In 1839 this Department recommended the closing of this channel as a means likely to prevent further accumulation of mud in the front of part of the city of Charleston, and, indeed, not unlikely to cause the removal of mud already deposited. * * * I recommend that for this purpose there be made an appropriation for the fiscal year ending June 30, 1848, of $50,000."

A similar case has long existed in the Ohio River, at Marietta, where the stream is divided into two channels by an intervening island. It has been generally acknowledged that one should be closed, so as to force all the water through the other.

In his official report, dated October 21, 1870, Major W. E. Merrill, a distinguished officer of the United States Engineers, remarks:

*Just what is now in progress in front of this city, with the difference that our danger is double, having two eastern outlets, Spanish River and Middle or Pinto Pass.

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"At present the Ohio River at Marrietta is bad in both channels at low water, and the bars in the two channels are about the worst in this portion of the river. * * * It is generally conceded that when the Ohio River is equally divided between two channels, neither is good in low water, and in such cases it is usual to close one of the channels and to turn the entire body of water into the other. The existence of this necessity at Marietta Island has long been recognized, but there are two opposing parties in interest, who have hitherto prevented any action in the case." * * *

"It is obvious that the river must be concentrated, and the parties in favor of either side can never be brought to agree."

A board of United States engineers, consisting of Major G. K. Warren, G. Weitzel, and William E. Merrill, examined the same subject, and under date of December 1, 1870, reported:

"The board having visited the locality and examined the questions involved, are of the opinion that the low-water navigation requires a dam to be placed across one of the channels to increase the depth of water in the other."

The opinions of the first hydraulic engineers of Europe, concurring in these views, might be quoted, but it is deemed unnecessary to pursue the point further. It is proper to add, however, that I availed myself of the opinions and advice of that distinguished hydraulic engineer, and our venerable citizen, Captain Albert Stein, before arriving at the settled conclusions on which I have acted, and that nothing but the prolonged and unexpected absence of the senior United States engineer officer on this station prevented me from consulting with him. Where so many authorities agree I did not see the propriety of incurring a delay of months, at a heavy expense, that his name might be added to the list. When he at last returned, a courteous invitation was extended for him to call and examine all the surveys and data constituting the basis of your action, which he promptly declined.

Now that the United States Engineer Department has undertaken to further test the scheme of dredging a channel through the bay, and has the means to apply that test, I have deemed it best to advise you not to join with them in the joint execution of the work.

It would be exceedingly difficult, in the first place, to avoid interference and complications, which could only do harm, and then the test proposed involves an amount of money far beyond what my judgment would approve in an experiment of such doubtful success. That it is an experiment I need only quote the distinguished chief engineer of the United States now on this station. In his report, dated the 26th of December, 1870, he recommends a large reduction of the dredging work proposed on this line by his predecessor, and adds, "My project is to make a cut of 200 feet in width through Choctaw Bar, and one of 250 feet through Dog River Bar; depth to be made first 11 feet in both channels, and eventually 13 feet. These widths will be sufficiently great to enable the Gulf steamers and harbor-tugs, with vessels in tow, to pass through the channel without difficulty, and their comparative narrowness will insure the stability of their navigable condition with much more certainty than if they were one-half wider. *At any rate, it will be much the wiser plan to await results*, (the italics are mine. B. B.,) with the dimensions proposed of channels, before augmenting the cost more than 50 per cent., to the probable detriment of navigation." Then follows an estimate for $737,565, to be expended in dredging experiments.

These dredging experiments have been so often made, and have so often failed, that I must confess to little faith in them, and shall be unwilling, at any time, to resort to them, except as adjuncts to more enduring works,

In June, 1837, the Mobile Examiner contained an advertisement signed by Captain W. H. Chase and Lieutenant J. G. Barnard, for dredging Dog River Bar to a depth of 12 feet. They estimate the whole cost of the work then at $150,000, of which $50,000 had been appropriated. About 1852 or 1853 another $50,000 was appropriated and expended on this same work. The senior of these two officers, the captain, has gone down to the grave full of years, and the young lieutenant is now a veteran and venerable general, but their successor here still estimates for several hundred thousand dollars to continue this experiment, and in his report of 1870 says that the depth of water on that bar has *decreased* from 10 to 12 inches since the soundings in 1852, which were less than in 1837. In the same report of the successor of the distinguished engineers is found the following, in relation to dredging on Choctaw Bar:

"The directions given by the superintending engineer were to execute one cut entirely through the bar, a distance of 2,700 feet, to a depth of 11 feet, following precisely the direction of the old channel. This through cut, averaging a width of 35 feet, was thought advisable so as to make the channel to the extent of the sweep of the dredge available as soon as possible for vessels drawing less than 11 feet. The cut, however, has been actually made to a depth of 13 feet, it having been found difficult with the dredge in use to restrict it to a less depth."

In his communication of February 20, last, this same officer says:

"Since the date of that report (26th December, 1870) the operations (dredging) have been continued on the Choctaw Bar channel, so that at the present time a cut of from

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60 to 70 feet has been executed from the north end of the channel to within 250 feet of the gap in the upper obstructions at the south end of the channel, to a depth of 10½ feet at mean low water. At this point the cut is only about 20 feet wide, and as the vessels passing through are obliged to make a turn at this place, it will be necessary to widen the cut for about 150 feet in length, to a width of not less than 60 feet, in order to obtain 10½ feet of water at mean low tide through the whole length of the channel."

At this date, then, February 28, 1871, there remained less than 700 cubic yards to be removed, not a week's work, to insure a channel 10½ feet deep at mean low tide, and not less than 60 feet wide. In fact, according to the author of the above, the channel was, of necessity, 13 feet deep.

With a view to lay before you the present condition of Choctaw Bar channel, I have had it carefully sounded within the past month by competent assistants, aided by some of the best pilots in the harbor. Their soundings were made both longitudinally and across the channel at short intervals. The results show no such cut as the one referred to in these extracts. The work has doubtless been done, but it has not remained long enough to be found. In confirmation of this statement I submit the following certificates from two of the bay pilots, daily engaged in their avocation:

"MOBILE, *December* 30, 1871.

"This is to certify what water we can carry through Choctaw Pass Bar. At low water, 8 feet; high stage of water, 9½; general stage of tides' rise and fall, one foot and a half.

"JAMES LAMBERT,
"JOHN CARNEY,
"*Pilots, Dog River Bar.*"

After an expenditure in 1837–'38 of $50,000, and in 1854 of $50,000 more, on a work estimated to cost $150,000, we find "the depth of water has decreased from 10 to 12 inches," as is now reported, we may safely conclude that the expenditure of the recent appropriations of $100,000 more will be ample to satisfy all skeptics on this long-disputed question.

In the annual report of the United States Chief Engineer for 1871, I find the results of an examination of a similar work. The project was for reopening Roanoke Inlet, near Nag's Head, North Carolina. Several plans had been proposed by different engineers; that of Lieutenant D. C. Woodbury, United States engineer, for dredging, was adopted. The report of this examination, dated Baltimore, 19th November, 1870, says:

"Congress appropriated $50,000 to commence operations; $40,000 have been expended, and at this time there is scarcely a trace to be seen of what has been done, the drifting sand filling in the trench as fast as it was excavated by the dredging-machine. In fact, the machine was very near being imbedded in the sand, it filling up so rapidly behind it, but was gotten out in time to save it.

"On my first visit to Nag's Head, in company with Lieutenant Whiting, of the Corps of Engineers, previously in charge of the work, I was perfectly satisfied of the entire impracticability of the scheme, and, in consequence, reported to the Bureau, recommending that the work should be abandoned, and the machinery and other public property sold; which report was approved by the honorable Secretary of War, and the property was sold on 15th of August."

In continuation of this subject, the report says:

"Now suppose a channel dredged through these last shoals, auxiliary to the reopening of Roanoke Inlet, what would be most undoubtedly the effect after every western gale? Most assuredly, the light sand of the shoals would be lifted from their resting place and carried along until they could find a lodgment in the new-cut channel, and this operation would so invariably and frequently occur as to very rapidly efface every trace of the cut, just as was the case with the trench made by Captain Woodbury.

"7th. Again, admitting that Congress should appropriate the largest sum estimated for the project, ($53,459 66,) and the work carried on with the utmost dispatch, it is very certain every westerly gale would fill the new-cut channel to such a degree as to make it an ever-recurring necessity to dredge it over again."

This excellent report, made by General J. H. Simpson, colonel of engineers, United States Army, then recommends an abandonment of the work, as "an unwarrantable waste of the public money."

I have no hesitation in expressing the opinion that the same result has attended, and will continue to attend, all dredging through the soft alluvial deposits and light sands of the shoals in Mobile Bay, until the concentrated current of the river is brought to bear upon them.

It is proposed, then, to postpone all dredging operations by this board until that concentration is made above Choctaw Point, and not to decide on any definite plan of work below that until the results of the concentration are seen. By that time we shall

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also have a further test of the dredging-process, as an additional boat of greater power has been placed on the work in Choctaw Bar channel.

Since the organization of your board, each of the two lines of obstructions have been opened to a width of fully 600 feet, a thorough survey of the whole city front has been made and mapped, a new wharf-line established, and the survey has been continued to include the river and bay from the head of Tensaw to a point below the city line on the bay shore. Works are also in progress now to close Middle or Pinto Pass, to protect the lower end of Pinto Island from the washing of both the concentrated river and the heavy waves which break over it during high easterly winds, and to protect the lower part of the city front from further abrasion by the same cause. As soon as these works have been sufficiently progressed to justify it, others will be commenced above the city to concentrate more of the water into the main river, sweeping the city front.

Respectfully submitted.

BRAXTON BRAGG,
Engineer.

NOTE.—Since the date of the foregoing, the "Report of the Chief of Engineers," United Sates Army, for 1871, has been received and examined with great interest. The nature and location of many of the works, and the high professional standing of the officers reporting on them give great value to their views in connection with our own similar case.

Attention is specially invited to the report of Major Howell, on the project for a ship-canal from New Orleans to Ship Island, dated New Orleans, February 9, 1871, (pages 524, 525, and 526,) and to another from the same officer, inclosing one from Lieutenant H. M. Adams, upon the project of a harbor at Mississippi City, and its connection with Ship Island Harbor, (pages 548, 549, and 550.)

ENGINEER OFFICE BOARD FOR THE IMPROVEMENT OF THE RIVER, HARBOR, AND BAY OF MOBILE,
Mobile, June 12, 1871.

To the president and members of the board, &c. :

GENTLEMEN: Herewith I have the honor to submit a map of Mobile River, from Bayou Warmouth (One-Mile Creek) to Choctaw Point, including Pinto Island and Pass, with cross-sections of that pass and the river taken at various points. The facts developed by this survey demand the most serious consideration.

By ordinance of the city, dated 4th April, 1857, a wharf-line was established for the whole city front, which provided "that no wharf nor other structure shall be built or constructed or extended, nor, if built, constructed, or extended, shall remain on the west side of Mobile River if it projects east beyond a line commencing at the northern line of the city, at a point from which a line running south 6° east shall strike a point in the northern line of Hunt (now Beauregard) street, extended a distance of 338 feet eastwardly from the west line of Front street; thence by a straight line to a point in the north line of St. Anthony street, extended 252 feet eastwardly from the west line of Front street; thence by a straight line to a point on the north line of Conti street, extended 165 feet eastwardly from the west line of Front street; thence by a straight line to a point on the north line of Church street, extended 250 feet eastwardly from the west line of Commerce street; thence by a straight line to a point in the north line of Theatre street, extended 195 feet eastwardly from the west line of Commerce street; thence by a straight line to a point in the north line of Main (now Palmetto) street, extended 295 feet eastwardly from the west line of Water street; thence by a straight line to a point in the north line of New York (now Elmira) street, extended 550 feet eastwardly from the west line of Water street, and thence by a line running south 20° 20′ east to the bay." That line has been run out, and is laid down in the map now submitted. Before this line was adopted the city has encroached very seriously upon the water-way of the river, no less than 500 feet of that way along the main front having been filled and occupied by two streets and two blocks of buildings.

Had there been no other outlet for the river than this one channel, the water could have accommodated itself to the changed condition by cutting away the opposite bank, or by scouring the bottom to a greater depth. Unfortunately, nature presented an easier solution in the presence of other channels; and the facts established by the survey, when compared with the past, prove beyond question that, while the water in Mobile River is decreasing, that in Pinto Pass and Spanish River is increasing. This result can be attributed to no other cause than the obstructions thus placed in the natural way of the river.

The city authorities then prudently established the line of 1857, beyond which no structure should extend. Defective as this line was, it was the best, probably, that

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could have been done at that time, owing to antecedent errors which could not well be corrected. But, unfortunately, enforcement did not follow enactment. Built without reference to any plan, the wharves have been constructed and extended by individuals to serve private interests, and to meet temporary emergencies. Irregular in shape and length, with intervening slips, they have created eddies and stagnant pools, thus causing a deposit of the sedimentary matter brought down by the stream, and of the heavy material washed in by the city drainage. As the depth of water decreased, from these causes, the wharves would be again extended, securing temporary relief at the expense of permanent injury. The slips would again be filled, and the remedy be repeated, until we are in absolute danger of forcing the main river into other channels. The examination of the map presents to you the alarming fact that nearly every important wharf north of the south side of Government street has been extended into the main river beyond the prescribed line, in some cases as much as 55 feet. Notwithstanding this, it will be perceived the slips are now so much filled by deposit that they afford no accommodation to commerce, and in the upper part of the city, even at the ends of these extended wharves, there is but 6 to 8 feet water.

To apply the proper remedy for this condition is much more difficult than to point out the errors which have produced it. Conflicting interests, private and public, must be reconciled. Sufficient space must be provided, not only for our present commerce, but for that which we seek and expect, and the water necessary to accommodate the commercial marine we invite to our port must be secured and preserved. The river has been narrowed at points to a degree which threatens us with its entire loss, and yet the land thus reclaimed has been built upon in places, especially at Government street and some distance above, until the space allotted to commerce, notwithstanding the large projection of the wharves beyond the established line, is barely sufficient.

The plan of wharves with intervening slips on a river front, especially in a contracted stream which receives the city drainage in addition to its sedimentary matter, is never adopted except under a necessity which knows no law. This necessity could only arise from a want of space, an exposed position, or a great rise and fall in the tide. Neither of these reasons apply in our case. We have two miles of city front already available for the use of commerce, which can be extended to three miles at any time when business shall demand it. This is fully equal to half the space now appropriated in New Orleans, with five or six times our population, and reporting ten times our commerce. In a recent elaborate report from the department of docks in the city of New York, recommending an extension and improvement of the new wharves in that city, it is proposed to increase their wharf line from twenty-eight to thirty-seven miles, which, it is argued, will be not only sufficient for the present commerce, but for the increase of an age. This extent only exceeds ours ten or fifteen fold, when her population is twenty-five, and her commerce probably one hundred fold of ours. The want of space, then, need not deter us from prosecuting this important work, as we shall be fully able to accommodate more than ten times the present commerce. Our position is so perfectly secure from storms, and our tides so insignificant, that neither of the other points requires examination.

The considerations in favor of a solid quay and continuous bulk-head along the whole city front are numerous and weighty. Such a structure would remove the many interruptions to a free and easy flow of the river current along the whole city front, prevent the formation of eddies, by which deposits are now made, and secure a rapid removal, by the force of the current, of the vast quantity of offensive matter which now accumulates in the slips from the drainage of the city, and not only fills them and interferes with their use, but undoubtedly proves detrimental to the public health. All other things being equal, this one consideration of a constant stream of living water, pure, wholesome, and inoffensive, in lieu of the present cess-pools of filth, nausea, and disease, should secure the adoption of the plan. As a sanitary measure alone it would more than justify the change.

The question of locating this line, now that the one of 1857 has been virtually abolished, is embarrassing. There can be no doubt that the public right of free navigation has been invaded; but vested rights are claimed under forms of law, and by long usage. The expense of restoring the old line would be large, in addition to the other perplexities. To avoid these difficulties, a new line is recommended as a compromise, which will be less expensive in construction than the restoration of the one already overbuilt, will cause much less dissatisfaction, and will afford more space for commerce. Unquestionably, this will tend to injure the river to some extent, as all other encroachments have done, but this tendency can be overcome by the judicious expenditure on the other side of the river of half the amount necessary to restore the old line.

The initial point of the old line of 1857 being 338 feet in an easterly direction, from the northwest corner of Beauregard and Front streets, narrows the river at that point to about 1,100 feet. This was injudicious, and, owing to the wide space devoted to commerce at that point, was unnecessary; but as the wharves from that down have

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been predicated on that official action, it is proposed to assume that as the starting-point of the new line. Above that it is not deemed necessary to recommend any change. Moving down we find the wharves are generally over the line as far as Government street, where the largest and most serious encroachment of 55 feet has been made. In front of the space between Saint Francis and Dauphin streets is a large and almost solid structure, extending 25 feet over the line on Saint Francis street. To remove this would be a serious and expensive work. Adopting it as a second point, connecting with the first, we have an uninterrupted straight line of over 3,000 feet. Everything projecting beyond this line should be promptly removed.

Below this second point we meet serious difficulties. The wharves between Dauphin and the lower side of Government streets project far beyond the legal and prudent line, and yet the space allotted to commerce, owing to the encroachments of commercial buildings, is very small—too small to be reduced without inconvenience. Thence from Government street down to Theatre, a distance of fully 1,000 feet, the city authorities, by ordinance dated 19th December, 1870, authorized an extension by the New Orleans, Mobile and Chattanooga Railroad Company of their wharf property to a line varying from 30 to 60 feet beyond the line established in 1857. This ordinance, it is true, was repealed by the succeeding city authorities in January, 1871; but the company claims a vested right which could not be recalled. They are now engaged in the work of building out and piling the river to the line granted in December, 1870. The difficulty of restoring the line of 1857 above this railroad concession, serious as I regard the encroachment, induces me to suggest a compromise by which each party shall yield about half its claim. A point on the extension east of the upper line of Government street, 190 feet from the west side of Front street, would bring our line outside of Government street wharf. From that point, in a straight line, to the established point of 1857, opposite Theatre street, would give a line offering as little impediment to navigation as I could advise, and at the same time yield to commerce and to individuals all the concession which can be made without danger of serious consequences. It would slightly increase the concession to the railroad company at Government street, and reduce it below, but still be outside of the line of 1857.

From the point opposite Theatre street, owing to the great reduction in the cross-section of the river from the head of Pinto Island, it is recommended that the line be drawn in, say 65 feet on Elmira street. This change can be made without prejudice to any interests, as no wharves extend now so far as the line proposed.

The new line proposed would commence, then, at a point on the easterly extension of Beauregard street 338 feet from the west line of Front; thence by a straight line to a point on the eastern extension of the south line of St. Francis 232 feet from the west side of Front; thence to a point on the eastern extension of the north line of Government street 190 feet from the west line of Front; thence to a point on the eastern extension of the north line of Theatre street 195 feet from the west line of Commerce, (line of 1857;) thence to a point on the eastern extension of the north line of Palmetto street 245 feet from the west line of Water street; thence in a line to the southern boundary of the city 50 feet west of the line of 1857.

Should the full claim of the New Orleans, Mobile and Texas Railroad Company be recognized, a change will be necessary from the line recommended between the points opposite St. Francis and Theatre streets, viz: From the established point opposite St. Francis to a point on the easterly extension of the north line of Church street 310 feet from the west line of Commerce; thence to a point on the easterly extension of the north line of Theatre street 195 feet from the west line of Commerce, (the point in the advised line.) This departure would make a serious encroachment on the river at a point where the water is now deflected, so as to throw it into Pinto Pass, especially as the measurements show a very serious result already. It might be compensated, however, by a counter-work on the opposite side of the river, which would control the current and restore the needed water-way.

Should the proposed plan of a solid quay be accepted, it would be proper to define Front street from Beauregard to Government, and Commerce and Water streets from Government down where they front on the river, and to prohibit all structures on the east side of these streets interfering with the free use of the quay for Commerce.

Front street, from Beauregard to the south line of St. Francis, might be 100 feet wide; from that point to Government, *to which it should be opened*, it would have to be contracted to 60 feet, so as not to encroach too much upon the space now devoted to commerce. This would give a solid and beautiful quay from Beauregard street to Government street, varying in width from 220 to 110 feet, and below Government varying, according to the line adopted, from 230 to 110 feet, with a constant, living stream of pure water, removing all offensive deposits and keeping a uniform depth which should be regulated to meet the wants of commerce.

The final and definite location of this wharf-line will control, in a great measure, the work necessary to secure the water-way, so as to give a proper width and depth. The plans for this can be soon perfected after that line is located.

No estimate of the cost can be made for building this bulkhead and quay until the

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line is located, and then the interests of private individuals and the city must be arranged before action in that direction.

Respectfully submitted.



BRAXTON BRAGG.

ENGINEER OFFICE BOARD FOR THE IMPROVEMENT OF THE RIVER, HARBOR, AND BAY OF MOBILE,
Mobile, August 25, 1871.

To the president and members of the board, &c.:

GENTLEMEN: At your last meeting a resolution was adopted approving a front line of the city beyond which no wharf or other structure shall be built, and varying in no essential point from that suggested in my report of the 12th June last, though making some slight concessions with a view to avoid complications and delay. The city engineer fully concurs with me in recommending this line to the city authorities, and it is now before them for such action as in their judgment may seem proper. The line is probably the best that can be secured at this time.

WHARF-LINE.

The initial point is established on the north line of Beauregard street, extended a distance of 350 feet eastward from the west line of Front street; thence by a straight line to a point in the north line of Government street, extended 350 feet eastward from the west side of Commerce street; thence by a straight line to a point in the south line of Church street, extended eastward 285 feet from the west side of Commerce street; thence by a straight line to a point in the south line of Theatre street, extended eastward 210 feet; thence by a straight line to a point in the north line of Elmira street, extended eastward 485 feet from the west side of Water street; thence by a straight line bearing south 10° east. Above Beauregard street the line to run north 6° west. This line, when approved by the city authorities, I propose to have permanently designated by heavy piles, conspicuously marked, so that any official can see at a glance when future encroachments are made, and the most rigid accountability should be enforced.

The conclusions reached in my former report as to the effect produced in the main channel of the river by the long-continued encroachments, have been fully confirmed by subsequent data, and by further study of the plans and cross-sections prepared from the surveys.

Above the head of Spanish River the Mobile River has an average width of fully 1,200 feet, with a cross-section of 22,250 feet, and an ample channel-way of 30 feet depth. The same distance below the head of Spanish River, the width of Mobile River is found not to exceed 1,000 feet, with an average cross-section of only 13,000 feet, and a channel depth of only 15 feet. Examining further, we find this loss fully accounted for by the cross-section of Spanish River, showing 10,000 square feet and a channel-way 20 feet deep.

Following the Mobile River down, no material change is noticed until we reach the wharves of the city, except some 1,500 square feet added from the Chickasabogue and Three-Mile Creek. From the upper to the lower limits of the city serious encroachments have been made as reported in my last.

The tendency has been to force the water from the city front through Pinto Pass, and this tendency has been aided by the very serious encroachments on both sides of the river below the head of Pinto Island. As the result, we find a width of only 640 feet for the main river, and a cross-section of only 7,500 square feet, just one-third of the water-way found above Spanish River. The natural effect is apparent just below, in the gradual growth of the marsh flats on both sides of the river near the ends of Pinto Island and Choctaw Point. A continuation of these causes must soon close this channel, and ruin all wharf property below Theatre street, and eventually up to Government street.

There is but one remedy for this unfortunate condition, produced by our own imprudence. Further encroachments must be stopped, the way must be opened, and the water must be brought back to the main channel. To open the way only, would leave it to be closed again by the same process, and we should have an unceasing, never-ending demand for dredging. Where the river is not obstructed above the city, nature preserves its own channel with an ample width and depth for all purposes; and it will do so in front of the city and below it, if we will only permit it to execute its own unerring laws.

In addition to the work of opening and controlling the water-way of the river, I have projected and advise the construction of a jettee below Choctaw Point, to prevent the further abrasion of the western shore of the bay, and drifting of the sand on to Choctaw Bar, by which the labor of dredging at that point is much increased, and

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the practical results at times greatly reduced. This work will also tend to prevent the spread of the river-water as it enters the head of the bay, and thereby aid in keeping open the channel whenever the dredging shall have been completed.

Recalling your attention to my report on this subject, dated June 12, last, I beg to submit the accompanying plans and estimates for the work necessary to carry out the suggestions then and now made, for restoring and controlling the channel-way of the river below the head of Pinto Island, and bringing back to its proper outlet so much of the water now diverted through eastern channels as may be necessary to accomplish this essential object.

Respectfully submitted.

BRAXTON BRAGG, *Engineer.*

The following is appended as showing work thus far accomplished by the board:

ENGINEER OFFICE BOARD FOR THE IMPROVEMENT OF THE RIVER, HARBOR, AND BAY OF MOBILE,
Mobile, Alabama, August 29, 1871.

DEAR SIR: The deep interest felt by our own people, and by those with whom we have commercial relations, in the subject of our harbor improvements, induces me, in reply to your inquiry, to furnish such information as my office now affords in regard to the progress of that important work.

At the time of the organization of this board under State laws, in March last, Captain Grant was engaged, under contract with the United States Government, in dredging Choctaw Point Bar, which operation is still in progress. A new contract for continuing this work as far as Dog River Bar has been let to a party from Chicago, who is now here to enter on the work, as I am informed. This dredging operation is under the control of General J. H. Simpson, United States Engineer, an officer of high professional reputation and great experience in this specialty. Finding this part of the work thus provided for, the board of State commissioners undertook other branches of the operations equally necessary for the relief of commerce.

Two lines of artificial obstructions across the channel of the bay had been built during the war, intended to impede the passage of vessels—one near Choctaw Point Bar, the other below and where the channels of Spanish River and Mobile River reunite. These had remained nearly in the condition left by the war, and were both difficult and dangerous, as they left a tortuous passage of only 200 feet in width. Under the direction of this board, both of these lines have been so opened as to straighten the channel, and afford a clear passage of more than 600 feet at each point Vessels drawing 13 feet can now pass these points with safety and ease. In the prosecution of this work we have been greatly aided and much expense saved by the surveys and maps, as well as by the personal assistance, furnished us by General Simpson and his subordinates.

The attention of the board was early drawn to the changed and rapidly changing condition of the river in front of the city, and elaborate surveys disclose the necessity for large and important works, not only to check the progress of this evil, but to restore the river to its normal position and condition. And as it is no less important that the encroachments which have produced this condition shall be checked, the board has taken prompt action in the matter, and has invited the city authorities to co-operate.

A wharf-line for the whole city front has been adopted, and it has been determined that a solid quay and continuous bulk-head shall be substituted for the present projecting wharves and intervening slips.

Plans and estimates for important works opposite to and below the city, calculated to restore the river to a condition for the accommodation of a commercial marine, largely increased in number and size, are now ready, and the works will soon be under contract. These preliminary works for the amelioration of the condition accomplished or provided for, the board will direct its earnest attention to the main and great object of opening a depth of channel through the bay, already much improved, so as to admit a much larger class of vessels to our wharves. That this can be accomplished there is not a shadow of a doubt. We have examples of much more difficult works successfully completed, and the question here is simply one of time and means. A comprehensive plan once adopted and pursued with persistent energy, with ample means, and the end is easily seen. With the immense resources of Alabama in cotton, coal, and iron opened to the world, the cost of such a work would be repaid ten-fold in one year by the increased business and value of our property. Even in Mobile alone we should soon realize the whole amount, in which all interests would participate. No one of the many important public works on which we are now engaged can surpass this, because the prosperity of each one of them is more or less involved in our success.

With a beginning which promises entire success, and means already provided ample

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to execute a great part of the plan proposed, may we not look to the State and General Government to come to our aid, and insure the completion of a work in importance and value to no other public enterprise in the country?

Very respectfully, yours,

BRAXTON BRAGG,
Engineer to the Board.

Colonel CHARLES FORSYTH,
Secretary Board of Trade.

APPENDIX B.

AN ORDINANCE to define and establish he eastern line of the wharf-front of the city of Mobile.

SECTION 1. *Be it ordained by the mayor, aldermen, and common council of the city of Mobile*, That the eastern line of the wharf-front of the city of Mobile be, and the same is hereby, established as follows: The initial point to be established on the north line of Beauregard street, extended a distance of 350 feet eastward from the west line of Front street; thence by a straight line to a point in the north line of Government street, extended 350 feet eastward from the west side of Commerce street; thence by a straight line to a point in the south line of Church street, extended eastward 285 feet from the west side of Commerce street; thence by a straight line to a point on the south line of Theater street, extended eastward 210 feet; thence by a straight line to a point in the north line of Elmira street, extended eastward 485 feet from the west side of Water street; thence by a straight line bearing south ten degrees east, above Beauregard street, the line to run north six degrees west.

SEC. 2. *Be it further ordained*, That the limits prescribed for the wharf-front by section 413 of the code of ordinances of 1860 be, and the same are hereby, amended so as to conform to the provisions of section 1 of this ordinance; and that section 414 of the said code be, and the same is hereby, repealed.

Approved September 16, 1871.

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MOBILE HARBOR.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of April 5 relative to the improvement of Mobile Harbor.

APRIL 24, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 22, 1872.

The Secretary of War has the honor to transmit to the House of Representatives copy of a report of Colonel J. H. Simpson, United States Engineers, in reference to the improvement of Mobile Harbor, as directed by a resolution of the 5th instant.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 18, 1872.

SIR: In compliance with the following resolution of the House of Representatives of April 5, 1872, viz: "That the Secretary of War be, and he is hereby, directed to furnish to the House of Representatives, at his earliest convenience, the report of General J. H. Simpson, engineer, of the United States Army, in reference to the improvement of the Mobile Harbor," I beg leave to submit a copy of a report in relation to the plan for the improvement of the harbor of Mobile, &c., dated March 23, 1872, which is believed to be the report called for by the resolution of the House of Representatives.

The report of the board of engineers, referred to in Colonel Simpson's letter, was printed in House Ex. Doc. No. 215, Forty-second Congress, 2d session.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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UNITED STATES ENGINEER OFFICE,
Mobile, Alabama, March 23, 1872.

GENERAL: On the 18th instant I had the honor to inform you that I had, as directed by you, furnished the "State board for the improvement of the river, harbor, and bay of Mobile" with a copy of the report of the board of United States engineers, recently convened in this city by virtue of Special Orders No. 4, Headquarters Corps of Engineers, Washington, D. C., of January 6, 1872, for the purpose of preparing a plan for the improvement of this harbor. Since then, there has been the following correspondence, a portion of which has been already communicated, but which I think proper to present in a connected form:

"OFFICE OF THE BOARD FOR THE IMPROVEMENT OF
"THE RIVER, HARBOR, AND BAY OF MOBILE,
"*Mobile, March* 18, 1872.

"SIR: I have the honor to acknowledge the receipt of your note of 16th instant, inclosing copy of letter of 12th instant, to you from General A. A. Humphreys, Chief Engineer United States Army, and copy of the report of the board of engineers, United States Army, recently convened at Mobile under Special Orders No. 4, from Headquarters Corps or Engineers.

"At an early day the papers will be laid before this board and its action thereon communicated to you.

"I am, very respectfully, your obedient servant,

"PERCY WALKER,
"*Secretary, &c.*

"General J. H. SIMPSON,
"*Engineer, United States Army.*"

"UNITED STATES ENGINEER OFFICE,
"*Mobile, Alabama, March* 18, 1872.

"SIR: On the 16th instant, agreeably to authority from Brigadier General A. A. Humphreys, Chief of the Corps of Engineers, United States Army, dated 12th instant, a copy of which was inclosed, I had the honor to furnish your board with a certified copy of the report of the board of United States engineers constituted by Special Orders No. 4, Headquarters Corps of Engineers, of January 6, 1872, to report a plan for the improvement of the bay of Mobile.

"The letter referred to also informed you that said report had been approved by the Chief of Engineers and Secretary of War, and that I have been directed to conform to the views and recommendations of said United States board in all matters relating to the improvement of the harbor.

"In yesterday's Register, a daily newspaper published in this city, I notice the following advertisement:

"'*To contractors.*

"'ENGINEER OFFICE, BOARD FOR IMPROVEMENT OF THE
"'RIVER, HARBOR, AND BAY OF MOBILE,
"'*No.* 38 *North Royal Street, Mobile, March* 16, 1872.

"'Sealed proposals will be received at this office until 12 m., 20th March, 1872, for repairing and extending two jettees at the head of Spanish River.

"'Specifications of the work, with the terms and conditions, may be seen at this office from 9 to 3 o'clock, daily.

"'BRAXTON BRAGG, *Engineer.*'

"The foregoing notice to contractors, showing that your board are contemplating the partial closing of Spanish River at its head, by repairing and extending two jettees at that point, which works are in direct conflict with the views and recommendations of the United States board, as shown in their report, as the General Government engineer officer in charge of the improvement of the harbor of Mobile, I respectfully but earnestly protest against the construction of any such works by your board, or of any other which will conflict with said report.

"I am, very respectfully, your obedient servant,

"J. H. SIMPSON,
"*Brevet Brigadier General and Colonel of Engineers, U. S. A.*

"PERCY WALKER, Esq.,
"*Secretary of Board for the Improvement of the River, Harbor, and Bay of Mobile.*"

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"OFFICE OF THE BOARD FOR THE IMPROVEMENT OF
"THE RIVER, HARBOR, AND BAY OF MOBILE,
"*Mobile, March* 18, 1872.

"SIR: Your note of this date referring to the advertisement by General Bragg, engineer of this board, calling for proposals for repairing and extending two jettees at the head of Spanish River, published in the Mobile Daily Register of 17th instant, and protesting against the construction of that work, has just been received. Your note seems to have been written under the impression that this board had approved of said work after being informed of the report by the board of engineers recently convened in this city.

"Permit me to disabuse your mind of this impression. The report was not received by me until this morning, an hour or two before I dispatched my note of this date acknowledging receipt of yours of 16th instant with its inclosures, and has not yet been seen by any member of the board.

"As my note of this morning stated, a meeting of the board will speedily be held for the purpose of acting on the report, and, without delay, you shall be advised of its action.

"Very respectfully,

"PERCY WALKER,
"*Secretary, &c.*

"General J. H. SIMPSON,
"*Engineer, United States Army.*"

"UNITED STATES ENGINEER OFFICE,
"*Mobile, Alabama, March* 19, 1872.

"SIR: Your letter of 18th instant, acknowledging receipt of my letter of same date protesting against the construction by your board of certain contemplated works at the head of Spanish River, and stating that a meeting of said board would speedily be held for the purpose of acting on the report of the United States board recently convened in this city, was received by me last evening.

"I am, very respectfully, your obedient servant,

"J. H. SIMPSON,
"*Brevet Brigadier General and Colonel of Engineers, U. S. A.*

"PERCY WALKER, ESQ.,
"*Secretary of Board for the Improvement of the River, Harbor, and Bay of Mobile.*"

"OFFICE OF THE BOARD FOR THE IMPROVEMENT
"OF THE RIVER, HARBOR, AND BAY OF MOBILE,
"*Mobile, March* 21, 1872.

"SIR: I have the honor to inform you that a meeting of this board was held this day, and your communication to me of the 16th instant, together with the letter to you from General A. A. Humphreys, United States Army, and the report of the board of engineers recently convened in this city to prepare a plan of improvement of harbor of Mobile, was laid before it.

"The action of this board thereon will appear from the following extract from the minutes, a copy of which I was instructed to furnish you with:

"'General J. H. Simpson, engineer United States Army, stationed at Mobile, having, since the last meeting of this board, held on the 15th instant, communicated a copy of the report of the board of engineers, United States Army, convened at this city under a special order from headquarters at Washington, D. C., to prepare a plan for the improvement of the harbor of Mobile, and it appearing from said report that the repair and extension of the jettees at the head of Spanish River directed by this board at said last meeting to be made are not in conformity with the plan of improvement proposed in said report and approved by the Chief of the Engineer Corps and the Secretary of War, and this board not having power to carry out any scheme of improvement not sanctioned by the authorities of the United States, and regarding it as a duty to use the means at the disposal of this board in aid of the plan marked out in the report: therefore, and upon the suggestion of the engineer, the directions given at the said last meeting are hereby recalled, and the secretary is instructed to inform General Simpson thereof, and that this board holds itself in readiness to enter upon such portion of the work contemplated in the report as he may indicate, and he is respectfully requested to inform this board of such designation as soon as possible, in order that due preparations may be made by this board.'

"Very respectfully, your obedient servant,

"PERCY WALKER,
"*Secretary, &c.*

"General J. H. SIMPSON,
"*Engineer, United States Army, Mobile, Alabama.*"

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"UNITED STATES ENGINEER OFFICE,
"*Mobile, Alabama, March* 22, 1872.

"SIR: I have the honor to acknowledge the receipt of your letter dated yesterday, communicating the resolution formed by your board same day, to the effect that they had recalled their order directing the repair and extension of the jettees at the head of Spanish River, and that they would, in subordination to the plan recommended by the report of the board of United States engineers, and approved by the Chief of Engineers and the Secretary of War, aid to the extent of the means at their disposal in the improvement of the harbor of Mobile.

"I am gratified with the receipt of this resolution, showing, as it does, a harmony of action on the part of the State board and United States Engineer Department, which cannot but be productive of the happiest results.

"In accordance with the wish of the board, that I should designate the portion of work to be assigned to them, in order that they may enter upon it at the earliest moment, I respectfully state that the lower portion of Dog River Bar channel will be immediately staked out; and it is recommended that the board commence at the northern limits of the upper-fleet anchorage, or 12-foot curve, and dredge to a least depth of 13 feet in the channel from that point, making, at first, one thorough cut (to the extent of the sweep of the dredges) from south to north, and that the material thus excavated be deposited as far on the west shore of the bay, say the 6-foot curve, as can be approached by the dumping-scows.

"The soundings have already been made over the said bar, but, allowing for unfavorable weather at this season of the year, it is not believed the channel can be staked out ready for your operations till Monday the 11th of April next.

"Very respectfully, your obedient servant,

"J. H. SIMPSON,
"*Brevet Brigadier General and Colonel of Engineers, U. S. A.*

"PERCY WALKER, Esq.,
"*Secretary of Board for the Improvement of the River, Harbor, and Bay of Mobile.*"

The foregoing correspondence showing that the State board recognize fully the paramount authority of the General Government to prescribe a plan for the improvement of the harbor, and that it is their purpose to aid in carrying out such plan agreeably to the report of the United States board, and to enter upon the work so soon as I shall indicate the portion to be assigned to them, and the following extract from said report setting forth the great necessity of large appropriations for the immediate and rapid excavation of Dog River Bar channel, at present the only great obstruction in the channel of approach to the inner harbor, I respectfully and earnestly recommend that the appropriation I have asked for this object, in my last annual report, to wit, $100,000, be augmented at least to $200,000, and that this recommendation be laid before Congress at its present session, and at the earliest possible moment.

The following is the extract alluded to:

"As to the direction of this artificial channel the board concur with that of 1860, and with both the engineer officers in charge of the Mobile Harbor improvements, that the line of deepest water should be followed as it has existed for the past fifty years, since this line must now be regarded as a resultant of a fixed regimen of the different rivers uniting to produce this channel. The curve at the upper obstructions should be made as gentle as possible, and the opening or width of channel in that part somewhat increased, to admit the ready passage of the largest class of vessels that may enter the inner harbor of Mobile. It is recommended that this excavation be restricted to a width of 200 feet throughout its length, at least until its comparative permanency can be tested or established. *The board give it as their opinion that this excavation should be made as rapidly as possible*, for, if portions only are dredged and left in an uneven or lumpy condition, such portions will fill to the level of the projections; and, besides, there will not be a clear water-way for the ready movement of the bottom current until each bar is cut entirely through and finished to an even surface. If, on the other hand, this dredging should proceed slowly and at intervals, it will be but a partial success. No good results can be predicted, except from a rapid and thorough execution of the work."

I am, very respectfully, your obedient servant,

J. H. SIMPSON,
Colonel of Engineers, U. S. A.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, United States Army, Washington, D. C.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 216.

AFFAIRS ON THE TEXAS FRONTIER.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The political complexion of affairs on the Texas frontier.

MARCH 28, 1872.—Referred to the Committee on Foreign Affairs and ordered to be printed.

WAR DEPARTMENT, *March* 25, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, with a request for its reference to the Committee on Foreign Affairs, copy of further correspondence in regard to the political complexion of affairs on the Texas frontier, which is furnished in connection with the papers transmitted to the House on the 16th instant.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS POST OF FORT BROWN, TEXAS,
February 16, 1872.

SIR: I have the honor to report that a revolution of magnitude, which promises the successful overthrow of the Juarez government in Mexico, is in full tide of operation. On our immediate border the towns of Mier and Camargo are in the hands of the revolutionists, and the city of Matamoras will be invested in a short time.

The object of this communication is to inform the general commanding the department of the exact condition of affairs here; also to apprise him of the real causes of the said revolution.

The following is the exact text of the grievances which led to the revolution, as given me by the most reliable man identified with the movement.

The revolution you will perceive is more directed against President Juarez personally than the form of their government.

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CAUSES.

1. That Juarez was last year illegally declared President.
2. That he has violated the constitution of 1857, more than once; the facts being admitted by himself.
3. That during the last four years of his administration, every suggestion offered by Treviño, late governor of Nuevo Leon, and now general-in-chief of the army of the North, for the progress and true interest of the whole frontier, have been resented in the most wicked and insulting manner.

When informed that the existing stock-stealing from, and Indian raids into, Texas, and the injuries caused by the Zona Libre, to the interior cities of Mexico, as well as to the American frontier, would finally bring on war, if not a filibustering expedition of thousands, which would be worse than war, Juarez answered Treviño, that the government of Mexico was sufficiently strong to protect itself against any external enemy, whether in filibustering or other kind of war on its soil.

Therefore, General Cortina, a bandit, who has seven indictments against him for murder in Cameron County, Texas, and for many other atrocities, was sent to the frontier as commander-in-chief of the whole Rio Grande line.

In conversation, Juarez said to Dr. Fernandez (the commissioner sent by Treviño to him) that Cortina had proved in former years what he could do on the Rio Grande; with a force which he intended to give him, that his presence would put a stop to all American filibustering movements.

Treviño in his statement to the government on the subject of the Zona Libre asked that it be extended to all the States of the republic, or be abolished altogether. The former proposition was known to be impossible, as the whole system of revenue would be destroyed thereby. He consented to give this privilege only to a few little smuggling towns on the frontier, to the injury of the great trading cities of the interior.

Treviño's suggestions were considered by Juarez as revolutionary and dangerous; therefore Generals Cerillo, Briggoni, and Revera, with a large infantry and cavalry force, were ordered to the State of Nuevo Leon, to keep Treviño in check. General Treviño having been well informed of all the designs and intrigues of Juarez, pronounced against him before Cerillo reached Nuevo Leon.

Treviño opposes the Zona Libre as injurious to the trade of the interests of Mexico.

Parts of the following-named States have pronounced against the Juarez government: Sonora, Sinaloa, Guerrero, Vera Cruz, Oaxaca, Jalisco, and Michoacan; the greater part of the State of Tamaulipas. The following-named States are wholly identified with the revolution: Nuevo Leon, Cohahuila, Durango, Zacatecas, Aguas, Calientes, and San Luis Potosi, except the capital, which is now besieged by eleven thousand men.

The State of Guanajunto pronounced for Lerdo de Tejado.

The small States of Chiapa, Campeche, and Tabasco, follow successful parties in revolution.

Chihuahua is neutral, perhaps declared herself independent.

Nearly all the wealthy and reliable men of Mexico are with the revolution, and are determined it shall succeed.

The revolutionists thus far have not met with a reverse, but have gained decided successes.

The temporary occupation of Oaxaca is not considered a success. There were but two or three hundred men, most of them sick, in the place when attacked. Colonel Felix Diaz, the brother of General Porfirio Diaz, was in command.

I have written thus in detail to express to the general commanding the department, that this revolution is of serious import to Mexico, and there never has been a revolution of like magnitude in that country that the American side of the Rio Grande was not more or less involved; and I would respectfully recommend that four or five companies of cavalry be sent to this frontier, to insure a proper enforcement of the neutrality laws; one company stationed at Laredo, one company at Ringgold Barracks, and two companies at Fort Brown, Texas. They can be foraged cheaper here than at any other point in Texas, and it is not known at what moment they may be needed.

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The post returns from Fort Brown, Ringgold Barracks, and Fort McIntosh, (Laredo,) Texas, will show how inadequate the force is at the present time.

Up to this date perfect quiet exists on this side of the river.

Very respectfully, your obedient servant,

A. McD. McCOOK,
Lieutenant Colonel Tenth Infantry,
Brevet Major General, U. S. A., Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of Texas.

DEPARTMENT OF TEXAS, *March* 2, 1872.

Official copy respectfully furnished for the information of the lieutenant general commanding the military division.

C. C. AUGUR,
Brigadier General.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, March 13, 1872.

Respectfully forwarded to the Adjutant General of the Army for his information.

P. H. SHERIDAN,
Lieutenant General, Commanding.

ADJUTANT GENERAL'S OFFICE,
Washington, March 19, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant General.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 217.

WASHINGTON AQUEDUCT.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The Washington Aqueduct.

MARCH 23, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT, *March* 27, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, with a request for its reference to the Committee on Appropriations, a statement of Major O. E. Babcock, Engineers, in reference to his estimate for the completion of certain works upon the Washington Aqueduct, herewith inclosed.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF WASHINGTON AQUEDUCT,
Washington, D. C., March 13, 1872.

GENERAL: I have the honor to submit for your approval an approximate estimate of the cost of completing certain works upon the Washington Aqueduct.

Very respectfully, your obedient servant,

O. E. BABCOCK,
Major of Engineers, U. S. A.

Brevet Major General A. A. HUMPHREYS,
Brigadier General and Chief of Engineers,
Office of the Chief of Engineers, Washington, D. C.

OFFICE OF WASHINGTON AQUEDUCT,
Washington, D. C., February 12, 1872.

MAJOR: In compliance with your instructions, I submit an estimate of the cost of completing certain works upon the Washington Aqueduct.

The first item of the estimate is for completing stone bridges Nos. 1 and 2, which are 14 and 16 feet span, respectively. The work remaining to be done is to furnish and set 2 cubic yards of stone coping for No. 1, and 34 cubic yards for No. 2. They are situated on the line of the Washington Aqueduct, about 1¼ miles this side of Great Falls.

The next item is for bridge No. 3, which is situated about 5 miles from Great Falls. The next is for Cabin John Bridge, which is 6¼ miles from Great Falls. The work to

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be done is to build parapets and coping. For bridge No. 3, 3,325 cubic feet, and for Cabin John Bridge, 7,481 cubic feet of cut stone are required.

The roadway over the conduit of the Washington Aqueduct has become the principal highway of Montgomery County. At Cabin John Bridge it is 100 feet higher than the bottom of the creek; it is only 16 4-12 feet wide, and is without parapets or protection of any kind.

At bridge No. 3 the roadway is not so high as at Cabin John Bridge; but it is the same width, and equally unprotected and dangerous.

These four bridges have been in their present unfinished condition for nearly ten years, and by reference to the annual reports of the engineers in charge of the Washington Aqueduct it will appear that estimates have yearly been submitted to Congress for their completion.

Congress, during its last session, appropriated $10,000 for this purpose. This amount is available, but is not sufficient to complete the work. A contract was made by your predecessor with Messrs. Lee, Doherty & Palmer for the coping of Cabin John Bridge, at $1 75 per cubic foot.

They have not yet commenced the work, and, in my opinion, they do not intend to. I have assumed that the work will cost $2 per cubic foot, or $54 per cubic yard.

The next item is for completing the bottom of the distributing-reservoir, by excavating the clay to the level of + 135, the level established by General Meigs when he was chief engineer.

The water in the conduit at this point is kept at the level of + 142.00, and by excavating the bottom to + 135 it will give a uniform depth of 7 feet.

In my opinion, the distributing-reservoir should be deepened to + 122, (the level of the iron mains in the reservoir-pipe vault, or 13 feet deeper than the bottom as now established.

The next item is for laying a cast-iron pipe four feet in diameter from the central gate-house of the distributing-reservoir to the effluent, a distance of 1,140 feet. I have estimated for one inch thickness of iron, at 3 cents per pound. The dividing bank and the central gate-house divide the distributing-reservoir, a basin of forty-four acres, into two divisions, and by means of this 48-inch pipe we can draw water from the upper division independently of the lower division; and in the event of deepening the reservoir we can use one division for the storage and filtering of Potomac water, while the other division is being deepened.

The next item is for engineering, superintendence, and repairs for the year ending June 30, 1873. The force estimated for is that at present employed, and a similar force will always be required for the safe and economical superintendence of the Washington Aqueduct.

The next item is for building a dwelling at the distributing-reservoir for the gate-keeper, and repairing the dwellings at the receiving-reservoir and at Great Falls. "The cabins in which they now live are small and uncomfortable, and are not of a style commensurate with the other parts" of the Washington Aqueduct.

The next item is for the purchase of the land used for a roadway from Great Falls to the conduit road. This land has been occupied by the United States for the use of the Washington Aqueduct since 1863. Congress appropriated money for the purchase of this land in July, 1870, but the amount was not sufficient to compensate the owners for fencing each side of the road, and the money reverted to the Treasury. The roadway will always be required, and as the owners of the land have allowed it to be occupied without charge, they should, in my opinion, be paid for the value of the land and the cost of fencing.

The remaining item is for a dial telegraph to connect Great Falls with the reservoirs and the office in Washington. Its utility is obvious, and is fully explained in the annual report.

Very respectfully, your obedient servant,

THEODORE B. SAMO,
Assistant Engineer, Washington Aqueduct.

O. E. BABCOCK,
Major of Engineers, U. S. A., Chief Engineer, Washington Aqueduct.

OFFICE OF WASHINGTON AQUEDUCT,
Washington, D. C., March 13, 1872.

ESTIMATE OF THE COST OF COMPLETING CERTAIN WORKS UPON THE WASHINGTON AQUEDUCT.

Stone bridges.

Bridges Nos. 1 *and* 2.—These are completed with the exception of the coping, which is partly laid. There is yet required for bridge No. 1, 9 cubic yards, and for bridge No. 2, 34 cubic yards; total, 43 cubic yards, estimated at $54 = $2,322.

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Bridge No. 3, (*Griffith Parks.*)—This bridge is 200 feet long, and to complete its parapet and coping are required—the accompanying tracing shows the plan proposed; the estimated quantities are $8\frac{3}{1000}$ cubic feet per linear foot, making 3,325 cubic feet, estimated at $2 per cubic foot = $6,650.

Bridge No. 4, (*Cabin John.*)—This bridge is 450 feet long and requires parapets and coping. The plan proposed is shown on the accompanying tracing, and the quantities are 7,481 cubic feet, estimate cost, $2 per cubic foot $14,962
Deduct amount appropriated by Congress July, 1871 10,000

Balance 4,963

Distributing-reservoir.

To complete this reservoir so as to give an uniform depth of 7 feet of water there is required 28,874 cubic yards of earth to be excavated at 40 cents per cubic yard—$11,550.

To connect the central gate-house with the effluent screen-well house it is proposed to lay a cast-iron pipe, four feet in diameter.

The estimated quantities are as follows:

631,320 pounds of cast iron, at 3 cents $19,539
Excavating trench and laying pipe 3,393

Total 22,932

Engineering, superintendence, and repairs for the year ending June 30, 1873.

For salary of assistant engineer, 1 watchman at Great Falls, 1 watchman at the receiving-reservoir, 1 watchman at the distributing-reservoir, 3 watchmen for pipe line, 1 clerk and 1 messenger in office $9,040
Office rent and office expenses 960
Repairs of conduit and pipe line 5,000

Total 15,000

For building and repairing dwellings for the keepers of the water-gates at Great Falls, receiving-reservoir, and distributing-reservoir—3, estimated cost $5,000

For purchase of land used by the United States for a road from the Great Falls to the junction with the conduit road, as follows:

Land owned by the heirs of Dr. Anderson, length 325.35 perches; land owned by Maryland Gold-Mining Company, length 42.92 perches; land owned by Mrs. Ann Hannagan, length 54 perches—total length 422.23 perches. The width of roadway is 66 feet, requiring 10.57 acres.

10.57 acres, at $50 ..... $529
1,044.56 perches of fence to build, at $2½ 2,610

Total 3,139

For a dial telegraph to connect Great Falls with the reservoirs and with the office in Georgetown, (estimated) $3,500

Abstract.

For completing stone bridges Nos. 1 and 2	$2,322 50
For completing stone bridge No. 3	6,650 00
For completing stone bridge No. 4	4,962 00
For completing earthwork at distributing-reservoir	11,550 00
For furnishing and laying cast-iron pipe four feet in diameter from the central gate-house to the effluent gate-house	22,932 00
For engineering, superintendence, and repairs for the year ending June 30, 1873	15,000 00
For purchase of land for road from Great Falls to conduit road	3,139 00
For dial telegraph	3,500 00
For dwellings for the keepers of water-gates	5,000 00
Total	75,055 00

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OFFICE OF WASHINGTON AQUEDUCT,
Washington, D. C., March 22, 1872.

GENERAL: I have the honor to submit the following statement in reference to the estimate submitted by me on the 13th instant for the completion of certain works upon the Washington Aqueduct.

By referring thereto it will be seen that the estimated cost of completing stone bridges is $13,934.

By referring to the printed estimate submitted by my predecessor it will be seen that the amount estimated for this purpose is $10,000; difference, $3,934.

This difference is caused by a proposed change in the plan for completing the parapets of Griffith Park Bridge and Cabin John Bridge.

My predecessor intended to build the parapets of bricks, and cover them with "pebble stucco," the coping to be of cast iron.

These bridges being built entirely of stone, I am of the opinion that the parapets and coping should also be of stone. The roadway over them is narrow, and the passing of vehicles would break the pebble stucco, and entail a constant expense for repairs. Stone parapets would be durable, and require nothing for repairs.

The next item is for completing the earth-work of the distributing-reservoir to its present bottom.

The bottom, as now excavated, was intended to be at the level of + 135 of the Washington Aqueduct levels, or seven feet below the present flow-line; but there are many places where the bottom is considerably above this level. The earth excavated can be used to advantage in repairing the embankments and raising them to their proper height.

The next item is for furnishing and laying a cast-iron pipe, four feet in diameter, from the central gate house of the distributing-reservoir, to the effluent gate-house.

My predecessor intended to lay a sheet-iron pipe, and prepared specifications, and invited proposals for the same; no bids were received.

The only object in laying a sheet-iron pipe instead of one of cast iron is its comparative cheapness. In my opinion it would not be durable, and on account of its lightness it would be necessary to anchor it securely to the bottom of the reservoir with screw-piles and chains.

The object in connecting the central gate-house, by means of an iron pipe, with the effluent, is to enable us to draw water from either division of the distributing-reservoir, or to use one division while the other is being emptied out or undergoing repairs; and in the event of deepening this reservoir, the pipe would enable us to use either division, while the other was being excavated. In the printed estimates there does not appear any amount for this purpose. My predecessor was of the opinion that the money available for completing the dividing bank and gate-houses would also be sufficient for making the pipe connection.

In my opinion, the completion of the gate-houses and the dividing bank will require the expenditure of the entire appropriation.

The next item is for engineering, superintendence, and repairs for the year ending June 30, 1873; and the amount asked for is $15,000. In the printed estimates the amount estimated for this item is $12,000. Last year the sum appropriated was $20,000; and judging from the amounts that have necessarily been expended for several years, I am of the opinion that the amount asked for is no more than can be advantageously expended during the next fiscal year.

The next item is for the purchase of land used as a road, from the Great Falls to the junction with the conduit road, and for fencing the

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same. The estimated value of the land is $50 per acre, and of the fencing, $2 50 per rod; amounting in all to $3,139.

There was appropriated by Congress for this purpose, in July, 1870, $1,012; but the owners of the land, with one exception, refused to take the amount awarded them, as the cost of fencing was not included in the awards, and the balance of the appropriation, on the 1st of July last, reverted to the Treasury.

As this road will always be required for the use of the Washington Aqueduct, and as it has been used by the United States for over eight years without charge, I am of the opinion that a reasonable amount should be paid to the owners for their land, and the cost of the fencing borne by the United States. Without this road we have access to the Potomac dam and head of the aqueduct only by way of the Chesapeake and Ohio Canal.

The other items are the same as in the printed estimates.

Very respectfully, your obedient servant,

O. E. BABCOCK,
Major of Engineers, U. S. A.

Brigadier General A. A. HUMPHREYS, U. S. A.,
Chief of Engineers, Office of the Chief of Engineers,
Washington, D. C.

OFFICE CHIEF OF ENGINEERS,
March 26, 1872.

Respectfully submitted to the Secretary of War, with the suggestion that the papers be transmitted to the Committee on Appropriations, House of Representatives. For the reasons given, the revised estimates for the Washington Aqueduct are approved.

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 218.

MASSACHUSETTS HEAVY ARTILLERY.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The enlistment and service of the First Battalion of Massachusetts Heavy Artillery.

MARCH 28, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *March* 25, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, in response to a request of the Committee on Military Affairs of the House for information relative to the enlistment and service of the First Battalion of Massachusetts Heavy Artillery, and the reasons for refusing them bounty; and, also, for copies of any decisions that may have been made upon an application for bounty to said troops, certified copies of papers belonging to the records of this Department, which meet, substantially, the request above referred to.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
March 20, 1872.

Respectfully returned to the Secretary of War.

Companies A, B, C, and Captain Whitton's company, First Battalion Massachusetts Heavy Artillery, were authorized February 6, October 16, and November 17, 1862, and January 20, 1863, respectively, for local service in Boston Harbor.

They were authorized and accepted *conditionally* for local service, and that fact recognized by the late Governor Andrew. (See letters of January 11, 1862, and December 12, 1863, extract copies herewith, marked A and B.)

At the time this force was raised, it was well understood that organizations of this local character would not be entitled to nor receive bounty, and the records of this office indicate that bounty was neither promised nor expected by its members.

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The question of bounty was first submitted to this office in February, 1866, and adversely reported upon by indorsements dated 26th and 28th of February, 1866, copies herewith marked C.

April 20, 1866, it was again presented, referred by the Secretary of War to the Paymaster General, and reported upon by that officer, by indorsement, copy herewith marked D.

March 12, 1867, the question was once more presented and reported on by indorsement dated August 3, 1867, copy herewith marked E.

A draft of the joint resolution, approved July 13, 1868, being received at this office and referred to the Paymaster General, that officer made an additional report by indorsement July 27, 1868, copy herewith marked F.

In March, 1869, a test case, under the joint resolution referred to, was presented by General Schouler, late adjutant general of Massachusetts, and after a careful re-examination of the whole matter, it was decided that the claimant was not entitled to bounty. (See indorsement April 15, 1869, copy herewith marked G.)

This battalion, specially authorized at the request of Governor Andrew, were so jealous of the service for which they were raised that in October, 1862, for the simple reason that they were removed from Fort Independence to Fort Warren, Boston Harbor, 106 non-commissioned officers and enlisted men of Company A of this battalion filed a petition in this office, respectfully demanding their discharge from the Secretary of War, and claiming that their removal to the latter fort was a breach of their contract with the Government.

E. D. TOWNSEND,
Adjutant General.

A.

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT,
Boston, January 11, 1862.

GENERAL: I thank you for your letter of the 7th instant, assuring me of your valuable aid in establishing our coast defenses, furnishing instructions for our volunteer artillerists, and I now address you to beg your influence with the Secretary of War to obtain his acceptance of a company, the rank and file of which will be mechanics—riggers, carpenters, smiths, &c.—to be enlisted and mustered into the United States service for the *special duty of garrisoning Fort Independence, in Boston Harbor;* putting the fort in order, mounting the guns, and serving them.

* * * * * * * * *

With great respect, your obedient servant,

JOHN A. ANDREW.

General McCLELLAN,
Commander-in-Chief of the Army of the United States, Washington.

B.

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT,
Boston, December 12, 1863.

SIR: In reply to a letter signed by Major Vincent, assistant adjutant general, December 8, 1863, * * * I have the honor to state that there are at present available for field duty in this State: one battalion (four companies) and eight unattached companies of heavy artillery. The battalion is stationed at Fort Warren, Boston Harbor, and commanded by Major Stephen Cabot. * * *

Four of these companies were raised *conditionally* for special service in Forts War-

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ren and Independence, in Boston Harbor, being companies A, B, C, of the First Battalion, and the third company, Captain Whitton. * * * *

I have the honor to be, very respectfully, your obedient servant,

JOHN A. ANDREW,
Governor of Massachusetts.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

C.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
February 26, 1866.

Respectfully returned to the Paymaster General, United States Army.

The records of this office show that this company was recruited for general, and not special service. It is not known how it became considered a part of the First Battalion, Massachusetts Heavy Artillery.

It is considered by this office as a distinct and separate organization, and in deciding on the claim for bounty, it will be so regarded. It was mustered into service June 6, 1863.

The First Battalion, Massachusetts Heavy Artillery, consisted properly of Companies A, B, C, and that of Captain Whitton.

———— ————,
Assistant Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
February 28, 1866.

The First Battalion, Massachusetts Heavy Artillery, (Cabot's,) consisted of Company A, Captain Baldwin; Company B, Captain Niebuhr; Company C, Captain Livermore, and the Third Company, Massachusetts Heavy Artillery, Captain Whitton.

The companies were recruited separately, and for local service, under authorizations from the War Department dated February 6, 1862, for one (1) company; October 16, 1862, for one (1) company; November 17, 1862, for one (1) company; and January 20, 1863, for one (1) company. The authorization of January 20, 1863, was for the "Fourth Company," to complete the heavy artillery battalion.

It appears, from papers submitted to this office, (B. 230, (V. S.,) 1866,) that, in some irregular way, a fifth (5th) company, lettered "D," Captain Thomas J. Little, and which was raised for general service, has been classed as a company of the battalion.

The said company was never authorized as a company of the battalion, and should not be so considered. (See indorsement from this office, February 26, on B. 230, (V. S.,) 1866.)

The question, however, in this case does not hinge on the company being a part of the battalion. Was it an "old organization?" It was not; for that term originated with and is applied to organizations that had left the State and entered upon field service. The object of making a distinction and giving an increased bounty to recruits for old organizations was to secure men for organizations in the field.

Under this view it would seem that the mustering officer who made the musters for the one hundred dollars ($100) considered the company a new organization. That action is confirmed, and no additional allowances will be authorized.

By order of the Secretary of War:

THOMAS M. VINCENT,
Assistant Adjutant General.

D.

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
Washington, April 20, 1866.

For report in this case, I respectfully refer to my indorsement of March 17, 1866, quoted in this communication, and from which ruling this appeal is taken.

The laws and orders touching the case are therein cited, and the conclusion stated is the settled opinion of this office, fully concurred in by the Adjutant General and the Second Comptroller of the Treasury. In that indorsement occurred one fact, loosely stated, which is not literally, but, for this purpose, substantially true.

The act of 22d July, 1861, is not "retroactive" in terms; but by an order of the War Department (General Order No. 38, of 1864) its bounty provisions are made retroactive in effect, so as to apply in all respects to troops raised for the suppression of the rebellion before the passage of that act.

The only point in this appellant's case is this: that as General Order No. 15, of 1861, provides generally for the allowance of $100 bounty on honorable discharge, and as that order was afterward confirmed by Congress without modification, therefore it can only be construed as entitling *all* enlisting under its provisions, and honorably discharged, regardless of length of service, to that bounty.

As in construing statutes, not specific in their language, the intention is referred to as the guide, so the intention of the bounty provision in the President's proclamation of May 3, 1861, and General Order No. 15, of 1861, determines this question.

The President's call was for three years, or the war. That the bounty pledged was only designed for those who should complete their term of serving the full three years, or to the end of the war, is, (except as therein excepted,) from various facts and circumstances, conclusive.

The Adjutant General, (Thomas,) who drew up and signed the order, says that no other construction was entertained or thought of at the time. No other construction has ever obtained throughout the Army. The men themselves in whose assumed behalf the claim is now brought forward never so apprehended the terms of their contract; nor did Congress, when passing the act of July 22, 1861, entertain such construction.

While the material provisions of that law are almost literally copied from the previous orders governing the subject before Congress could act, the modifications of the terms of the orders in framing the laws exhibit only on the part of Congress a purpose to liberalize the allowances to soldiers. Thus, instead of copying the language of General Order 15, which gave the bounty only after three years' service, it is modified so as to give it for two years' honorable service; and so followed a few days afterward an act increasing the soldiers' pay; and still later another, giving the full bounty to one who should be discharged by reason of wounds, &c.

That the "honorable discharge" was not designed as the sole condition upon which bounty should inure seems quite manifest. That condition was only intended as an additional requisite to give title to bounty after the full term of service.

This brief history of the facts and circumstances of the orders, and the laws applicable to the case, it seems to me concludes this appeal.

Respectfully submitted.

B. W. BRICE,
Paymaster General.

The Hon. SECRETARY OF WAR.

E.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
August 3, 1867.

Respectfully returned to the Secretary of War, with the recommendation that the adverse decisions on this claim be sustained. Full and careful consideration has heretofore been given by this office to the claims of members of *Companies A, B, C, and Whitton's First Battallion, Massachusetts Heavy Artillery, (Cabot's;)* this on the 28th day of February, 1866, and with the result as embraced in the indorsement of that date from this office, a copy of which forms part of the Paymaster General's report.

In the present appeal the Massachusetts agent, in his letter of June 21, 1867, to the Paymaster General, and Jonas P. Varnum, in his letter to the Secretary of War, dated July 17, 1867, assert that the troops in question were not "home guards." To rebut their assertions I need but refer to a report from Governor John A. Andrew, of Massachusetts, (who was entirely familiar with the conditions of the recruitment,) dated December 12, 1863, extract as follows: "*Four* of these companies were raised *conditionally* for special service in Forts Warren and Independence, in Boston Harbor, being Companies A, B, C, of the First Battalion, and the Third Company, Captain Whitton."

It may be added that the terms "local service," "conditional service," and "home guards," when applied to troops under pay of the United States, have the same signification.

THOMAS M. VINCENT,
Assistant Adjutant General.

F.

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
July 27, 1868.

The letter of Jonas P. Varnum and Colonel G. Tufts, Massachusetts military agent, upon claim of members of the First Battalion, Massachusetts Heavy Artillery, for

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bounty, were referred to this office by the Secretary of War for report, and returned July 23, 1867, with accompanying copies of documentary history, showing the grounds upon which bounty was refused.

These troops were raised for *local* service, and any ordinary bounty paid to some of the men was paid under a misapprehension of their status. I repeat, therefore, that Companies A, B, and C, and Captain Whitton's company, composing the First (Major Cabot's) Battalion, Massachusetts Heavy Artillery, are not entitled to any consideration of bounty whatever, ordinary or additional.

The grounds of this ruling are these:

It was in the beginning resolved by the President (Mr. Lincoln) and the Secretary (Mr. Stanton) that no bounties could accrue to troops raised and organized for partial, or local service, ordinarily styled "home guards," and such was announced by the War Department in 1861.

The same condition is reiterated in the regulations of the Secretary of War, prescribed under the conditions of the additional-bounty act of July 28, 1866, which regulations were concurred in by the Attorney General as being in conformity with the spirit and intent of that law.

B. W. BRICE,
Paymaster General.

G.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
April 15, 1869.

Respectfully submitted to the Adjutant General for the information of the Secretary of War.

The resolution of Congress, approved July 13, 1868, (General Orders 51, War Department, Adjutant General's Office, 1868, copy herewith,) refers to certain "local service," or "home guard" organizations from the States of Missouri and Maryland, and to them alone.

Reference is made by the attorneys representing this claim (one of whom was formerly adjutant general of Massachusetts) "that the troops were not properly 'home guards'—that is, local-service troops." To this I reply, that the authority of the War Department distinctly made them so, and the fact was well known to and insisted upon by his excellency the late Governor Andrew, (M. 2613, (V. S.,) 1863,) who asked for and received the authority to raise the troops.

It is true that three of the companies were recruited for local services after the passage of the act of February 13, 1862, (General Order 15, War Department, Adjutant General's Office, February 15, 1862, copy herewith,) but this is explained by the fact that the first company of the battalion was authorized prior to that date, and, in consequence, the existence of the law was not remembered when the authorizations for the other companies were issued.

The War Department has uniformly refused to recognize any claims of "local-service" troops for bounty, and it has not allowed any such claims without the special legislation of Congress; that action should now be adhered to.

The copies of the indorsements herewith, dated February 26 and 28, 1866, on B. 230, (V. S.) 1866, and inclosures thereto, as taken from the records of this office, give the outline of the matter involved in this claim.

THOMAS M. VINCENT,
Assistant Adjutant General.

Official copy:

THOMAS M. VINCENT,
Assistant Adjutant General.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 219.

NEWSPAPERS PUBLISHING THE LAWS OF THE UNITED STATES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the House of 20th instant, transmitting a list of newspapers publishing the laws of the United States.

MARCH 28, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 20th instant, I transmit a report from the Secretary of State, with a list of the newspapers which accompanied it.

U. S. GRANT.

WASHINGTON, *March* 23, 1872.

DEPARTMENT OF STATE,
Washington, March 23, 1872.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 20th instant, requesting the Secretary of State to transmit to that body "a list of the names of all newspapers authorized to publish the laws of the United States, with their respective post-offices, and with a statement of the amounts already paid to each, and yet due to each, for the publication of the same," has the honor to lay before the President a list of the newspapers selected by the Clerk of the House of Representatives, under the acts of Congress of 2d and 29th March, 1867, to publish the laws of the United States for the second session of the Forty-second Congress, and to state that no compensation has yet been paid to the publishers.

Respectfully submitted.

HAMILTON FISH.

THE PRESIDENT OF THE UNITED STATES.

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List of newspapers selected to publish the laws of the United States for the second session of the Forty-second Congress.

State.	Name of paper.	Where published.
Maine	Whig and Courier	Bangor.
	Press	Portland.
New Hampshire	Granite State Free Press	Lebanon.
	Independent Statesman	Concord.
Vermont	Times	Saint Johnsburgh.
	Independent	Rutland.
Massachusetts	Eagle	Pittsfield.
	Courier	Lowell.
Rhode Island	Journal	Providence.
	Narragansett Weekly	Westerly.
Connecticut	Courant	Hartford.
	Palladium	New Haven.
New Jersey	Press	Paterson.
	Courier	Newark.
Pennsylvania	Courier	Lebanon.
	Journal	Huntingdon.
Delaware	Commercial	Wilmington.
	Times	Smyrna.
Maryland	American	Baltimore.
	Union	Towsontown.
Alabama	Republican	Mobile.
	Journal	Montgomery.
New York	Republican	Hudson.
	Patriot and Gazette	Fulton.
Louisiana	Republican	New Orleans.
	German Gazette	Do.
	Grand Era	Baton Rouge.
Ohio	Daily Advertiser	Springfield.
	Journal	Dayton.
Kentucky	Commercial	Louisville.
	Commonwealth	Frankfort.
Tennessee	Chronicle	Knoxville.
	Tribune	Nashville.
Indiana	Herald	Huntington.
	Courier	New Castle.
Michigan	Citizen	Jackson.
	Times	Adrian.
Florida	Union	Jacksonville.
	Sentinel	Tallahassee.
Texas	Express	San Antonio.
	Union	Houston.
Iowa	Union	Albia.
	Journal	Sioux City.
Wisconsin	Northwestern	Oshkosh.
	State Journal	Madison.
Oregon	Register	Albany.
	Statesman	Salem.
Kansas	Times	Leavenworth.
	Monitor	Fort Scott.
Nevada	State Journal	Reno.
	News	Gold Hill.
Nebraska	Nebraska Advertiser	Brownville.
	Tribune and Republican	Omaha.
Minnesota	Dispatch	Saint Paul.
	Journal	Owatonna.
Missouri	Chronicle	Lebanon.
	Eagle	Boonville.
Virginia	Journal	Richmond.
	Press	Lynchburgh.
Arkansas	Journal	Little Rock.
	Republican	Pine Bluff.
Illinois	Legal News	Chicago.
	Republican	Decatur.

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List of newspapers selected to publish the laws, &c.—Continued.

State.	Name of paper.	Where published.
West Virginia	State Journal	Parkersburgh.
	Preston County Journal	Kingwood.
California	News	Oakland.
	Appeal	Marysville.
Mississippi	Times	Vicksburgh.
	North Mississippian	Holly Springs.
North Carolina	Daily Times	New Berne.
	Era	Raleigh.
South Carolina	Union	Columbia.
	New Era	Spartanburgh.
Georgia	Journal	Savannah.
	American Union	Macon.
Territories.		
Montana	Herald	Helena.
	New Northwest	Deer Lodge City.
District of Columbia	Star	Washington.
	Chronicle	Do.
	Republican	Do.
Wyoming	Sentinel	Laramie City.
	Tribune	Cheyenne.
Idaho	Journal	Lewistown.
	Avalanche and Tidal Wave	Silver City.
Arizona	Citizen	Tucson.
Dakota	Union and Dakotaian	Yankton.
	Republican	Vermillion.
Colorado	Register	Central City.
	News	Denver.
Washington	Courier	Olympia.
	Union	Walla-Walla.
Utah	Tribune	Salt Lake City.
	Reporter	Corinne.
New Mexico	Post	Santa Fé.
	News	Cimarron.

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CONSULAR AND COMMERCIAL AGENTS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of February 28, relative to the authority that can properly be conferred upon consular and commercial agents for the protection of the revenues of the country.

MARCH 28, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
Office of the Secretary, March 22, 1872.

SIR: I have the honor to reply to a resolution passed by the House of Representatives on the 28th of February last, reported by Mr. Banks from the Committee on Foreign Affairs.

It is the opinion of the Department that no further legislation is needed upon the subject of the first resolution.

Under the acts of March 3, 1863, and March 3, 1865, the Department has issued instructions to consular and commercial agents by which they possess all the authority that can properly be conferred upon them for the protection of the revenues of the country. By the Consular Regulations, (page 105, paragraph 473,) they are instructed, in all proper cases, to "require samples of the merchandise to be deposited with them, especially when the invoice descriptions of merchandise are not specific and full enough to enable them, or customs officers, intelligently to judge of the market value without inspection of the merchandise itself."

In reply to the second resolution, I transmit a statement, prepared in the Fifth Auditor's Office, of the fees received in gold or silver, or the equivalent, during the last fiscal year, by each consular and commercial agent of the United States for certifying invoices and all other official acts.

Very respectfully,

GEO. S. BOUTWELL,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives, Washington, D. C.

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A statement of the fees received by each consular and commercial agent of the United States during the fiscal year ending June 30, 1871.

Consulates, commercial agencies, and dependencies.	Amount.
Acapulco, Mexico	$583 85
Aix-la-Chapelle, Germany	2,890 00
Cologne agency	2,403 50
Alexandria, Egypt	72 47
Algiers, Africa	5 00
Alicante, Spain	81 83
Amoor River, Asia	53 71
Amoy, China	1,033 67
Tamsui agency	
Amsterdam, Netherlands	1,219 16
Nieuwediep agency	
Ancona, Italy	
Antigua, West Indies	
Antwerp, Belgium	3,748 43
Apia, Navigator's Islands	81 96
Tutuilla agency	
Archangel, Russia	
Arica, Peru	
Aspinwall, United States of Colombia	2,533 74
Asuncion, Paraguay	
Athens, Greece	
Augsburg, Germany	162 25
Aux Cayes, Hayti	290 61
Jeremie agency	
Bahia, Brazil	1,022 59
Aracaju agency	
Bangkok, Siam	238 94
Barbadoes, West Indies	1,915 10
St. Lucia agency	
St. Vincent agency	
Barcelona, Spain	218 42
Tarragona agency	301 50
Barmen, Germany	7,199 25
Crefeld agency	3,636 00
Dusseldorf agency	1,237 50
Basle, Switzerland	4,121 50
Olten agency	2,742 50
Batavia, Java	833 04
Soerabaya agency	
Bathurst, Africa	
Bay of Islands, New Zealand	326 73
Auckland agency	
Dunedin agency	
Monganui agency	
Wellington agency	
Beirut, Syria	209 79
Aintab agency	
Aleppo agency	
Alexandretta agency	
Caipha agency	
Damascus agency	
Homs agency	
Latakia agency	
Marash agency	
Sidon agency	
Tarsus agency	
Tripoli agency	
Tyre agency	
Belfast, Ireland	11,995 86
Belize, Honduras	688 65
Bergen, Norway	9 00
Drontheim agency	
Stavenger agency	
Berlin, Germany	7,529 00
Bermuda, West Indies	527 05
Hamilton agency	1,578 26
Bilbao, (Spanish)	
Birmingham, England	12,931 51
Leicester agency	1,684 50
Kidderminster agency	1,969 50
Wolverhampton agency	1,144 00
Bissao, Africa	
Bogota, United States of Colombia	
Bombay, Bengal	439 56
Kurrachee agency	
Bordeaux, France	6,755 80
Bayonne agency	52 00
Pau agency	

Consulates, commercial agencies, and dependencies.	Amount.
Boulogne, France	$371 53
Bradford, England	16,706 00
Bremen, Germany	3,076 50
Brindisi, Italy	8 27
Gallipoli agency	
Bristol, England	1,418 62
Brixham agency	
Gloucester agency	190 14
Worcester agency	
Brunswick, Germany	897 00
Brussels, Belgium	6,141 50
Bucharest, Turkey	
Buenaventura, United States of Colombia	
Buenos Ayres, Argentine Republic	4,400 40
Cadiz, Spain	1,053 95
Algeciras agency	23 45
Huelva agency	
Cairo, Egypt	
Calcutta, Bengal	7,123 70
Akyab agency	77 87
Bassein agency	14 04
Chittagong agency	
Coconada agency	40 57
Maulmain agency	
Rangoon agency	87 39
Callao, Peru	2,619 24
Camargo, Mexico	
Campeachy, Mexico	
Canea, Island of Crete	
Retimo agency	
Canton, China	1,820 85
Whampoa agency	
Cape Haytien, Hayti	721 20
Gonaives agency	
Port de Paix agency	
Cape Town, Cape of Good Hope	403 94
Port Elizabeth agency	969 55
Simonstown agency	
Caracas, Venezuela	
Cardiff, Wales	3,673 00
Llanelly agency	30 50
Milford Haven	68 96
Newport	1,369 57
Swansea	179 13
Carlsruhe, Baden	2,755 25
Mannheim agency	439 00
Carrara, Italy	
Carthagena, Spain	
Carthagena, United States of Colombia	363 47
Cayenne, Guiana	
Ceylon, India	350 74
Charlottetown, Prince Edward Island	926 63
Bedeque agency	
Casumpec agency	
Georgetown agency	
Souris agency	
Summerside agency	
Chee-Foo, China	534 86
Chemnits, Saxony	9,311 50
Chihuahua, Mexico	
Chin-Kiang, China	1,248 89
Christiana, Norway	97 50
Christiansand agency	
Ciudad Bolivar, Venezuela	
Clifton, Canada	3,678 00
St. Catharine's agency	64 25
Coaticook, Canada	5,576 25
Hereford agency	239 50
Lineboro' agency	939 50
Potton agency	132 00
Stanstead agency	644 50
Cobija, Bolivia	
Colonia, Uruguay	
Comayagua and Tegucigalpa, Honduras	
Constantinople, Turkey	522 30
Adrianople agency	

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A statement of the fees received by each consular and commercial agent, &c.—Continued.

Consulates, commercial agencies, and dependencies.	Amount.
Rustchuk agency	
Salonica agency	
Copenhagen, Denmark	$947 39
Coquimbo, Chili	
Caldera agency	
Cordoba, Argentine Republic	
Cork, Ireland	1,312 10
Waterford agency	
Coruna, Spain	
Port St. Mary agency	
Vigo agency	
Curaçoa, West Indies	1,856 94
Bonaire agency	160 81
Cyprus, Turkey	
Demarara, Guiana	2,395 78
Denia, Spain	14 40
Dresden, Saxony	5,819 00
Dublin, Ireland	1,047 85
Dundee, Scotland	7,065 33
Aberdeen agency	561 50
Elsinore, Denmark	87 56
Bornholm agency	
Fano agency	7 00
Frederickshaven agency	
Ringkjobing agency	
Rome agency	
Thisted agency	
Falmouth, England	267 58
Scilly Islands agency	
Fayal, Azores	510 13
Flores agency	
Graciosa agency	
St. George agency	
St. Michael agency	
Terceira agency	
Florence, Italy	
Cagliari agency	5 00
Milan agency	87 00
Turin agency	39 50
Foo-Chow, China	950 67
Fort Erie, Canada	3,762 25
Port Rowan agency	1,053 50
Frankfort on the Main, Germany	2,709 25
Funchal, Madeira	98 33
Gaboon, Africa	18 40
Galatza, Moldavia	
Gaspe Basin, Canada	
Geestemunde, Germany	2,367 76
Geneva, Switzerland	1,505 75
Genoa, Italy	1,531 19
Ghent, Belgium	255 00
Gibraltar, Spain	846 88
Glasgow, Scotland	11,752 39
Goderich, Canada	807 55
Stratford agency	2,316 25
Gottenburg, Sweden	
Grand Bassa, Liberia	
Guadeloupe, West Indies	333 92
Basse Terre agency	
Guatemala	
Guayquil, Ecuador	204 88
Guaymas, Mexico	
Guerrero, Mexico	57 50
Hakodadi, Japan	272 14
Nee-e-gata agency	
Halifax, Nova Scotia	3,102 92
Annapolis agency	
Barrington agency	2 50
Digby agency	
Liverpool agency	125 00
Windsor agency	180 00
Yarmouth agency	261 64
Hamburg, Germany	5,515 40
Glueckstadt agency	
Harburg agency	1,579 00
Kiel agency	22 50
Labec agency	18 00
Ritzebüttel and Cuxhaven agency	20 49
Hamilton, Canada	3,967 00
London agency	1,717 50
Paris agency	$1,030 25
Hankow, China	1,029 84
Kin-Kiang agency	863 81
Havana, Cuba	20,907 98
Gibara agency	
Nuevitas agency	
San Juan de los Remedios agency	1,141 71
Havre, France	3,475 14
Brest agency	
Cherbourg agency	
Dieppe agency	
Dunkirk agency	
Honfleur agency	
Morlaix agency	
Rouen agency	
Helsingfors, Finland	
Hilo, Hawaiian Islands	127 54
Hobart Town, Tasmania	
Hong Kong, China	8,028 75
Honolulu, Hawaiian Islands	6,390 77
Lahaina agency	
Jerusalem, Syria	57 50
Jaffa agency	
Nablous agency	
Ramleh agency	
Kanagawa, Japan	5,962 22
Kingston, Jamaica	1,723 70
Black River agency	
Falmouth agency	
Grand Caymans agency	
Montego Bay agency	
Port Antonia agency	
Savannah-la-Mar agency	
St. Ann's Bay agency	
Kingston, Canada	2,143 98
Belleville agency	1,562 50
Gananoque agency	121 00
Napanee agency	1,083 48
Picton agency	432 50
Laguayra, Venezuela	536 61
Laguna, Mexico	
La Paz, Bolivia	
La Paz, Mexico	527 57
San José agency	
La Rochelle, France	624 50
Cognac agency	1,000 00
Limoges agency	686 00
Rochefort agency	61 50
La Union, Salvador	
San Miguel agency	
Lambayeque, Peru	15 40
San José and Pimental agency	
Lanthala, Feejee Islands	136 01
Leeds, England	2,279 75
Hull agency	572 53
Leghorn, Italy	1,864 48
Leipsic, Germany	7,216 50
Leith, Scotland	5,357 55
Dunfermline agency	127 50
Lisbon, Portugal	
Belem agency	
Cesimbra agency	
Faro agency	
Lagos agency	
Setubal agency	
Sines agency	
Liverpool, England	37,596 93
Beaumaris agency	
St. Helen's agency	3,621 50
London, England	51,242 74
Dover agency	
Ramsgate agency	
Londonderry, Ireland	382 50
Ludwigshafen, Germany	1,548 00
Lyons, France	7,904 75
St. Etienne agency	3,047 32
Magdalena, Mexico	
Malaga, Spain	1,706 95
Adra Malaga agency	4 62

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A statement of the fees received by each consular and commercial agent, &c.—Continued.

Consulates, commercial agencies, and dependencies.	Amount.
Port of Mebelta agency	
Almeria Malaga agency	$45 10
Velez Malaga agency	
Malta, (Island)	297 17
Manchester, England	28, 903 50
Manila, Philippine Islands	550 00
Cebu agency	
Hoilo agency	
Manzanillo, Mexico	
Maracaibo, Venezuela	
Maranham, Brazil	289 22
Marseilles, France	3, 556 24
Cette agency	1, 530 76
Toulon agency	
Matamoras, Mexico	2, 981 63
Santa Cruz Point agency	
Matanzas, Cuba	4, 594 81
Cardenas agency	3, 447 59
Sagua La Grande agency	2, 147 62
Mayence, Germany	
Mazatlan, Mexico	
Medellin, United States of Colombia	
Melbourne, Australia	2, 088 57
Adelaide agency	
Albany agency	
Freemantle agency	
Merida, Mexico	
Sisal agency	
Messina, Italy	2, 558 25
Catania agency	83 31
Gioja agency	
Syracuse agency	17 67
Mexico, Mexico	691 25
Puebla agency	
Mier, Mexico	
Minatitlan, Mexico	
Tehuantepec agency	
Monterey, Mexico	
Montevideo, Uruguay	2, 253 03
Montreal, Canada	6, 295 33
Frelighsburg agency	559 50
Hemmingford agency	681 00
Lachine agency	1, 222 00
Stanbridge agency	1, 787 95
Three Rivers agency	359 50
Moscow, Russia	
Mozambique, Africa	
Munich, Bavaria	1, 118 56
Nagasaki, Japan	774 33
Nantes, France	351 00
St. Nazaire agency	116 49
Naples, Italy	1, 396 41
Castelamare agency	
Salerno agency	
Nassau, West Indies	1, 635 78
Dunmore Town agency	
Governor's Harbor, Eleuthera agency	
Green Turtle Bay agency	
Harbor Island	
Newcastle-upon-Tyne, England	1, 527 00
Carlisle agency	503 00
Old Hartlepool agency	226 24
Sunderland agency	340 67
West Hartlepool agency	
New Chwang, China	17 26
Nice, France	415 50
Mentone agency	
Nuevo Laredo, Mexico	
Saltillo agency	
Santa Rosa agency	
Ningpo, China	899 05
Nuremberg, Germany	6, 317 50
Oajaca, Mexico	
Odessa, Russia	293 50
Port Baltic agency	
Rostoff agency	
Taganrog agency	62 00
Omoa and Truxillo, Honduras	56 73
Oporto, Portugal	$293 10
Aveiro agency	
Espinho agency	
Figueira agency	
Leca and Matozinhos agency	
Peso de Regra agency	
Regoa agency	
Saint Joao da Foz agency	
Vianna agency	
Villa do Conde agency	
Villa Nova agency	
Osaka and Hiogo, Japan	2, 038 77
Ostend, Belgium	
Otranto, Italy	
Padang, Sumatra	
Palermo, Italy	1, 637 97
Girgenti agency	110 63
Licata agency	117 14
Marsala agency	10 00
Trapani agency	92 28
Panama, United States of Colombia	1, 868 11
Para, Brazil	2, 306 22
Paramaribo, Guiana	1, 127 81
Paris, France	21, 367 00
Calais agency	832 00
Paso del Norte, Mexico	18 00
Payta, Peru	356 90
Parnahiba, Brazil	
Pernambuco, Brazil	1, 197 67
Ceara agency	
Maceio agency	
Paraiba agency	
Pictou, Nova Scotia	853 59
Arichat agency	
Cape Canso agency	
Cow Bay agency	509 30
Glace Bay agency	436 29
Guysborough agency	
Lingan agency	234 16
Port Hastings agency	42 33
Port of Sydney agency	67 00
Pugwash agency	
Sydney, Cape Breton, agency	190 63
Piedras Negras, Mexico	
Piræus, Greece	7 50
Patras agency	58 09
Syra	
Plymouth, England	90 14
Dartmouth agency	4 00
Guernsey agency	6 00
Jersey agency	138 50
Port Louis, Mauritius	260 99
Port Mahon, Minorca	3 30
Ivica Island agency	5 00
Palma, Majorca, agency	5 47
Port Said, Egypt	29 80
Port Sarnia, Canada	1, 432 50
Port Stanley, Falkland Islands	158 11
Prague, Austria	3, 875 75
Prescott, Canada	1, 624 25
Brockville agency	1, 513 00
Dundee agency	401 00
Morrisburgh agency	813 00
Ottawa agency	1, 226 50
Puerto Cabello, Venezuela	
Quebec, Canada	913 00
Ravenna, Italy	
Rheims, France	1, 357 00
Riga, Russia	
Rio Grande, Brazil	633 13
Pelotas agency	
Porto Allegre agency	
San José do Norte agency	
Rio Hacha, United States of Colombia	16 50
Rio de Janeiro, Brazil	5, 604 99
Rio Negro, Argentine Republic	
Rome, Italy	1, 308 75
Civita Vecchia agency	

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A statement of the fees received by each consular and commercial agent, &c.—Continued.

Consulates, commercial agencies, and dependencies.	Amount.
Rosario, Argentine Republic	
Rotterdam, Netherlands	$2,216 30
Flushing agency	
Schiedam agency	
Sabanilla, United States of Colombia	
San Andrés, United States of Colombia	
San Blas, Mexico	
San Dimas, Mexico	
San José, Costa Rica	
Punta Arenas agency	
San Juan del Norte and Punta Arenas, Nicaragua	363 81
San Juan del Sur, Nicaragua	422 12
San Juan, Porto Rico	4,602 74
Aguadilla agency	132 03
Arecibo agency	463 95
Guayama agency	814 63
Mayaguez agency	1,542 34
Naguabo agency	372 87
Ponce agency	1,094 13
Vieques agency	
San Luis Potosi, Mexico	
San Salvador, Salvador	
Santa Cruz, West Indies	267 65
Christiansted agency	
Frederickstadt agency	379 10
Sara Martha, United States of Colombia	
Santander, Spain	
Gijon agency	
Santiago, Cape Verde	41 71
Brava agency	
Fogo agency	
Maio agency	
Sal agency	
St. Vincent agency	
Santiago de Cuba	721 16
Baracoa agency	
Guantanamo agency	
Manzanillo agency	
Santa Cruz agency	
Santos, Brazil	
Smyrna, Turkey	
Seville, Spain	727 32
Seychelles, Indian Ocean	58 78
Shanghai, China	7,412 40
Sheffield, England	9,104 50
Huddersfield agency	4,065 50
Nottingham agency	8,123 50
Sierra Leone, Africa	
Singapore, India	1,127 84
Smyrna, Turkey	1,533 78
Mytilene agency	
Stettenberg, Germany	5,558 50
Stockholm, Sweden	
Southampton, England	419 50
Cowes agency	
Isle of Wight agency	7 00
Portsmouth agency	36 75
Weymouth agency	2 00
Spezia, Italy	10 00
St. Bartholomew, West Indies	
St. Catharine's, Brazil	104 77
St. Domingo, San Domingo	384 93
Puerto Plata agency	
Samana agency	
St. Helena, (island)	679 06
St. John, Canada	3,491 00
St. John's Newfoundland	644 29
Cape Charles agency	
Harbor Grace agency	
St. Vincent agency	
St. John's New Brunswick	6,198 49
Newcastle agency	121 51
Fredericton agency	199 50
St. Andrew's agency	472 74
St. George agency	431 16
St. Stephen's agency	1,017 84
St. Marc, Hayti	
St. Paul de Loando, Africa	47 91

Consulates, commercial agencies, and dependencies.	Amount.
St. Pierre, Martinique	
Fort de France agency	
St. Pierre, Miquelon	$312 33
St. Petersburg, Russia	788 00
Cronstadt agency	
Wyborg agency	
St. Thomas, West Indies	1,968 17
St. Thome, Africa	
Stettin, Germany	222 53
Dantzic agency	
Königsburg agency	
Memel agency	
Swinemünde agency	
Stockholm, Sweden	193 19
Gefle agency	
Strasbourg, Germany	1,011 75
Mulhouse agency	616 25
Stuttgart, Germany	3,018 25
Swatow, China	275 46
Sydney, New South Wales	764 12
Brisbane agency	
Newcastle agency	
Queensland agency	
Suez, Turkey	
Tabasco, Mexico	499 26
Tahiti, Society Islands	580 98
Talcahuano, Chili	882 61
Tamatave, Madagascar	41 42
Tampico, Mexico	297 96
Tangier, Morocco	
Casa Blanca agency	
Laraiche agency	
Mozagan agency	
Mogador agency	
Rabat agency	
Saffi agency	
Taranto, Italy	
Teneriffe, Canary Islands	226 18
Lanzarotte agency	
Grand Canary agency	98 38
Palma agency	36 77
Tien-Tsin, China	
Toronto, Canada	4,846 00
Cobourg agency	1,171 50
Port Hope agency	2,094 50
Trebizond, Turkey in Asia	
Trieste, Austria	1,665 93
Trinidad de Cuba	605 06
Cienfuegos agency	2,137 29
Zaza agency	
Trinidad, (island)	775 87
Tripoli, Barbary	
Tumbez, Peru	190 70
Tunis, Barbary	9 50
Tunstall, England	8,457 50
Turk's Island, West Indies	399 30
East Harbor agency	85 97
Salt Cay agency	123 37
Valencia, Spain	188 28
Benicarlo agency	
Grao agency	203 72
Valparaiso, Chili	2,141 60
Venice, Italy	470 06
Vera Cruz, Mexico	2,228 04
Jalapa agency	
Verviers, Belgium	
Liege agency	1,123 00
Victoria, Vancouver's Island	2,504 62
Vienna, Austria	5,873 25
Brunn agency	
Pesth agency	
Windsor, Canada	2,035 25
Chatham agency	646 75
Wallaceburg agency	560 00
Winnipeg, British North America	934 75
Yedo, Japan	205 35
Zacatecas, Mexico	
Zanzibar, (island)	253 62
Zurich, Switzerland	4,763 75
St. Gallen agency	2,685 00

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 222.

JAMES M. HANKS, ADMINISTRATOR OF DR. JOHN F. HANKS.

[To accompany bill H. R. 1550.]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

To the House the bill (H. R. 1550) for the relief of Dr. John F. Hanks, with his objections thereto.

MARCH 28, 1872.—Referred to the Committe of Claims and ordered to be printed.

To the House of Representatives:

I herewith return for the further consideration of Congress, without my approval, House bill No. 1550, "An act for the relief of the estate of Dr. John F. Hanks," for the reason that the records of the Treasury Department show that the current moneys taken by Colonel S. B. Holabird from the Louisiana State Bank of New Orleans, in the month of August, 1862, were accounted for by that officer to the Treasury Department, and the names of the depositors given, and that the name of Dr. John F. Hanks does not appear among them.

It also appears, from the records of the Treasury Department, that among the effects taken from the Louisiana State Bank of New Orleans, was the sum of one thousand seven hundred and twenty-nine dollars of confederate money, and that the said sum stood upon the books of said bank to the credit of J. F. Hanks.

It is but justice, however, to the executors of the estate of Dr. Hanks, to state that there is every reason to believe that the money deposited by Dr. Hanks in the Louisiana State Bank was in current funds, and that when application was made to Congress for the recovery of the same they believed, and had evidence to satisfy them, that such funds had found their way into the Treasury of the United States. There has, unquestionably, been a mistake made either by the officers of the Louisiana State Bank or the persons engaged in removing the funds of that bank, by which the estate of Dr. Hanks is loser to the amount of relief afforded by House bill No. 1550.

Accompanying this I send the statement furnished by the Secretary of the Treasury of all funds covered into his Department, or accounted for through it, arising from the seizure of the funds in the Louisiana State Bank of New Orleans, in the month of August, 1862.

U. S. GRANT.

EXECUTIVE MANSION, *March* 28, 1872.

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In the matter of the act "For the relief of the estate of Dr. John F. Hanks," awaiting the approval of the President.

Upon examination it appears that the accounts of Captain John W. McClure, assistant quartermaster, on file in the office of the Third Auditor, contain copies of receipts given to the several banks at New Orleans for funds turned over pursuant to Special Order No. 202, Department of the Gulf. The following is an extract from the receipt given to the "Louisiana State Bank:"

"Received, New Orleans, August 25, 1863, of the Louisiana State Bank, pursuant to Special Order No. 202, dated New Orleans, August 17, 1863, issued by Major General N. P. Banks, commanding Department of the Gulf, thirty-six thousand nine hundred and forty-seven dollars and twelve cents, of which $8,654 is confederate funds, and $28,293 11 is par funds, being two amounts standing on the books of this bank to the credit of the following-named parties, embraced by said Special Order No. 202:

	Confederate funds.	Par funds.
* * * * * * * * * *		
"Hanks, J. F	$1,729 00	
* * * * * * * * * *		
	8,654 00	$28,293 11

"J. W. McCLURE,
"*Captain and Assistant Quartermaster.*"

The foregoing is the only credit appearing in said receipt in the name of J. F. Hanks.

Respectfully submitted.

M. L. NOERR, *Clerk.*

MARCH 23, 1872.

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
March 21, 1872.

There is no evidence on file in this office tending to show that any current moneys belonging to the estate of Dr. John F. Hanks were included in the sum received by Colonel S. B. Holabird from the Louisiana State Bank of New Orleans, Louisiana. On the contrary, the entire amount of such moneys, accounted for by Colonel Holabird, is represented as having been deposited by other parties.

J. H. SAVILLE,
Chief Clerk.

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DR. J. E. HOUARD.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Report from the Secretary of State, with papers, relative to Dr. J. E. Houard.

APRIL 1, 1872.—Referred to the Committee on Foreign Affairs and ordered to be printed

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 19th instant, a report from the Secretary of State and the papers which accompany it.

U. S. GRANT.

WASHINGTON, *March* 28, 1872.

DEPARTMENT OF STATE,
Washington, March 28, 1872.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 19th instant, requesting the President to communicate to that body, "if not incompatible with the public interest, all the information in possession of the Government relative to the case of Dr. J. E. Howard, a native of Philadelphia and a citizen of the United States, now held by the Spanish authorities on the island of Cuba, and what, if any, steps have been taken to protect the rights of this American citizen, who, it is alleged from various respectable sources, has been unjustly arrested, condemned, and transported to a Spanish penal settlement on the coast of Africa," has the honor to report:

That it is presumed that the resolution of the House of Representatives relates to the case of Dr. Jean Emilie Houard, who signs himself Emilio Houard.

The Secretary of State has accordingly the honor to lay before the President copies of the papers mentioned in the subjoined list, such papers containing the information relating to the case of the said Houard.

HAMILTON FISH.

The PRESIDENT.

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List of papers.

No. 1.—Mr. Biddle to Mr. Davis, December 20, 1870. (Received January 3.)
Inclosure.—Mr. Biddle to the captain general of Cuba, December 20, 1870.
No. 2.—Mr. Davis to Mr. Biddle, January 18, 1871.
No. 3.—Mr. Biddle to Mr. Davis, January 26, 1871. (Received January 28.)
Inclosure.—The captain general of Cuba to Mr. Biddle, January 20, 1871.
No. 4.—Mr. Davis to Mr. Biddle, February 2, 1871.
No. 5.—Mr. Biddle to Mr. Davis, April 1, 1871. (Received April 8.)
No. 6.—Mr. Myers to Mr. Fish, December 13, 1871. (Received December 14.)
Inclosure.—Memorial signed by citizens of Philadelphia, December 1, 1871.
No. 7.—Mr. Fish to Mr. Myers, December 15, 1871.
No. 8.—Mr. Hunter to Mr. Torbert, December 20, 1871.
Inclosure.—Memorial of citizens of Philadelphia, December 1, 1871.
No. 9.—Mr. Forney to Mr. Fish, (telegram,) December 30, 1871.
No. 10.—Mr. Hunter to Mr. Forney, January 3, 1872.
No. 11.—Mr. Fish to Mr. Torbert, (telegram,) January 2, 1872.
No. 12.—Mr. Fish to Mrs. Dutton, January 4, 1872.
No. 13.—Mr. Fox to Mr. Davis, December 22, 1871. (Received January 6, 1872.)
No. 14.—Mr. Torbert to Mr. Hunter, December 29, 1871. (Received January 6, 1872.)
Inclosures.—(*a*) Mr. Torbert to the captain general, December 19, 1871.
(*b*) Same to same, December 21, 1871.
(*c*) Mr. Houard to Mr. Morris, October 23, 1871.
No. 15.—Mr. Fish to Mr. Lopez Roberts, January 8, 1872.
No. 16.—Mrs. Dutton to Mr. Fish, January 8, 1872. (Received January 9.)
Inclosures.—(*a*) Naturalization certificate of the father of Dr. Houard.
(*b*) Certificate of baptism of Dr. Houard, January 6, 1872.
No. 17.—Mr. Hunter to Mr. Torbert, January 10, 1872.
No. 18.—Mr. Torbert to Mr. Hunter, January 2, 1872. (Received January 10.)
Inclosures.—(*a*) Mr. Araiztegui to Mr. Torbert, December 28, 1871.
(*b*) Mr. Morris to Mr. Torbert, December 29, 1871.
(*c*) Certificate of baptism of Dr. Houard, January 23, 1871, translated from the Latin.
No. 19.—Mr. Torbert to Mr. Hunter, January 3, 1872. (Received January 10.)
No. 20.—Mr. Torbert to Mr. Hunter, January 8, 1872. (Received January 15.)
Inclosure.—Mr. Morris to Mr. Torbert, January 5, 1872.
No. 21.—Mr. Myers to Mr. Fish, January 13, 1872. (Received January 15.)
No. 22.—Mr. Fish to Mr. Myers, January 16, 1872.
No. 23.—Mr. Fish to Mrs. Dutton, January 17, 1872.
No. 24.—Mrs. Dutton to Mr. Fish, January 21, 1872. (Received January 22.)

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No. 25.—Mr. Lopez Roberts to Mr. Fish, February 14, 1872. (Received February 15.)
No. 26.—Mr. Fish to Mrs. Dutton, February 17, 1872.
No. 27.—Mrs. Dutton to Mr. Fish, February 20, 1872. (Received February 21.)
No. 28.—Mr. Torbert to Mr. Hunter, February 16, 1872. (Received February 23.)
No. 29.—Mr. Hunter to Mrs. Dutton, February 26, 1872.
No. 30.—Mrs. Dutton to Mr. Fish, March 1, 1872. (Received March 2.)
Inclosure.—Affidavit of Charles Fox, February 26, 1872.
No. 31.—Mr. Kelley to Mr. Fish, February 28, 1872. (Received February 28.)
Inclosures.—(*a*) Mr. Houard to Mr. Baird, February 12, 1872.
(*b*) Affidavit of Manuel Mª Capote, February 8, 1872.
No. 32.—Mr. Torbert to Mr. Hunter, February 19, 1872. (Received March 1.)
No. 33.—Mr. Torbert to Mr. Hunter, February 23, 1872. (Received March 1.)
Inclosures.—*Cedulas* issued by Spanish authorities to Dr. Houard, February 6, 1869, and January 10, 1870.
No. 34.—Mr. Hale to Mr. Torbert, March 6, 1872.
No. 35.—Mr. Fish to Mr. Adee, March 9, 1872.
Inclosure.—Affidavit of M. Mª Capote, February 8, 1872.
Copy of baptismal certificate.
No. 36.—Mr. Fish to Mr. Colfax, March 12, 1872.
No. 37.—Mr. Torbert to Mr. Hunter, February 29, 1872. (Received March 8.)
No. 38.—Mr. Hale to Mr. Torbert, March 13, 1872.
Inclosure.—Mr. Fish to Mr. Colfax, March 12, 1872. (See No. 36.)
No. 39.—Mr. Torbert to Mr. Fish, (telegram,) March 4, 1872.
No. 40.—Dr. J. G. Houard to Mr. Fish, March 15, 1872. (Received March 16.)
Inclosures.—(*a*) Certificate of consular agent at Cienfuegos, March 4, 1872.
(*b*) Statement of the provisions of Spanish law.
No. 41.—Mr. Torbert to Mr. Hale, March 16, 1872. (Received March 25.)
Inclosure.—Statement of the provisions of Spanish law.
No. 42.—Mr. Hale to Mr. Torbert, March 20, 1872.
No. 43.—Mr. Fish to Mr. Adee, March 26, 1872.
Inclosures.—(*a*) Affidavit of Charles Fox, February 26, 1872. (See *ante*, No. 30.)
(*b*) Certificate of consular agent at Cienfuegos, March 4, 1872. (See *ante*, No. 40.)

No. 1.

Mr. Biddle to Mr. Davis.

No. 331.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, December 20, 1870. (Received January 3, 1871.)

SIR: I have the honor herewith to transmit to you a copy of a communication addressed to me, from the consular agent of the United States at Cienfuegos, dated the 15th instant, relative to the imprisonment at that place of D. Juan Emilio Houard, a citizen of the United States, charged with complicity in the insurrection.

I personally presented to Count Valmaseda a communication upon

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the subject, as per inclosure. He answered verbally that this day he would send instructions to the authorities at Cienfuegos to investigate the facts of the case; that, if innocent, he should be speedily liberated, and that, if guilty, he would confer with me as to the proper course to be pursued, consonantly to his declarations as conveyed to the Department in my dispatch No. —.*

I have, &c.,

THOS. BIDDLE.

Hon. J. C. B. DAVIS,
Assistant Secretary of State.

[Inclosure 1.]

Mr. Biddle to the Captain General of Cuba.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, December 20, 1870.

YOUR EXCELLENCY: I have the honor to invite the attention of your excellency to the following extract from a communication, dated the 15th instant, received by me from the consular officer of the United States at Cienfuegos:

"On the evening of the 13th instant D. Juan Emilio Houard was arrested here and placed in the public prison. He is a native of Philadelphia, but has practiced medicine here for many years. He is a widower, but has a young family. I visited him yesterday at the prison. The cause of his arrest appears to be this: Some four or more years ago a party here, named Felix Bouyon, received a Spanish government appointment at Las Tunas. Before leaving for that place he purchased of Dr. Houard a small box of homeopathic medicines. On this box the name of the doctor was engraved. Time passed, and Dr. Bouyon left his employment and returned here. When the insurrection broke out he joined it. The box referred to was found, a short time since, in one of the rebel encampments, and it is inferred that Dr. Houard supplied medicines to the rebels. That he did this no one of his friends here will believe. He wishes, naturally, that his case should be settled with all brevity, in order to return to his practice and his young daughters, who have now no mother to take charge of them."

As Dr. Houard is a citizen of the United States, and is thus vouched for, both as to loyalty and respectability, I shall esteem it a favor if your excellency will cause early proceeding to be instituted, that he may be released if found innocent of the charges as above written.

I have, &c.,

THOS. BIDDLE.

His Excellency the SUPERIOR POLITICAL GOVERNOR OF THE ISLAND.

No. 2.

Mr. Davis to Mr. Biddle.

No. 205.] DEPARTMENT OF STATE,
Washington, January 18, 1871.

SIR: Your dispatch * * * No. 331, in relation * * * * to the case of Juan Emilio Houard, arrested and imprisoned at Cienfuegos, is received.

I am, &c.,

J. C. B. DAVIS,
Assistant Secretary.

THOMAS BIDDLE, Esq.,
United States Consul General, Havana, Cuba.

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* The dispatch thus referred to has not been found, and the numerical series of Mr. Biddle's dispatches shows no omission. No. 331 here printed contains the first reference to the subject in possession of the Department.

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No. 3.

Mr. Biddle to Mr. Davis.

No. 364.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, January 26, 1871. (Received January 28.)

SIR: Referring to my dispatch No. 331, relating to the arrest and imprisonment at Cienfuegos of D. Juan Emilio Houard, a citizen of the United States, I have now the honor to transmit for your information a communication, dated the 20th instant, from the captain general of the island, reviewing the case, and stating that orders had been given that Mr. Houard should have every consideration due to foreigners, a speedy investigation of his case, and immediate liberation if charges are not proven. The captain general presents as the "probable cause" justifying the prosecution, the absence from his residence of Dr. Houard at the time his medicines were discovered within the enemy's lines, and his intimate association with insurgent chieftains.

I have, &c.,

THOS. BIDDLE.

Hon. J. C. DAVIS,
Assistant Secretary of State.

[Inclosure 1.—Translation.]

Captain General of Cuba to Dr. Biddle.

CAPTAINCY GENERAL OF THE EVER FAITHFUL ISLAND OF CUBA, CHIEF OF STAFF, SECTION FIRST.

In view of the statements made in your communication of the 20th December ultimo, in reference to Mr. Juan Emilio Houard, detained at Cienfuegos, on suspicion of connivance with the insurgents, I have given orders to the commander of operations of the Cinco Villas to grant to Mr. Houard every consideration due to foreigners, a speedy investigation of the case, and immediate liberation if found innocent of the charge preferred against him.

The above referred to commandant general informs me that the said Mr. Emilio Houard was arrested on the night of the 13th December, as the evidence in his case gave sufficient ground for suspicion of his having incurred the crime of "*infidencia*," for which reason he has not been placed at liberty. Besides in the affair, which is at present undergoing judicial process, are involved eight other individuals, who shall also be treated with due consideration, the same as Mr. Houard. As regards the affair of the [illegible] of medicine, to which you refer in your communication, it was seized at the breaking out of the insurrection, in an enemy's camp, when Mr. Houard was absent from Cienfuegos, having previously left with with his nephew, Don Germon Barrios, who since has figured as a leader of the insurrection, and Houard did not return until the insurgents had been dispersed by a column of our artillery.

Which I communicate to you for your knowledge.

God guard you many years.

Havana, January 20, 1871.

COUNT DE VALMASEDA.

To the CONSUL GENERAL OF THE UNITED STATES,
At this city.

No. 4.

Mr. Davis to Mr. Biddle.

No. 321.] DEPARTMENT OF STATE,
Washington, February 2, 1871.

SIR: I have to acknowledge the receipt of your dispatch, No. 364, dated January 21, 1871, transmitting a copy of a communication to you

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from the superior governor, in the case of Juan Emilio Houard, imprisoned at Cienfuegos.

I am, sir, &c.,

J. C. B. DAVIS,
Assistant Secretary.

No. 5.

Mr. Biddle to Mr. Davis.

No. 424.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, April 1, 1871. (Received April 8.)

SIR: Referring to my dispatch No. 364, relating to the case of Dr. Houard at Cienfuegos, I have the honor to state that yesterday I had an interview with the chief of staff of his excellency the captain general, in which I urged compliance with the assurance, as detailed in the above referred to dispatch, that this case should have early and favorable consideration, and alluded to the lapse of time. I was assured that the promise should be scrupulously complied with, and that the crowded calendar, and the complications of this case, with others of a similar nature, at Cienfuegos, had rendered necessary the delay.

I have the honor, &c.,

THOS. BIDDLE.

Hon. J. C. B. DAVIS,
Assistant Secretary of State.

No. 6.

Mr. Myers to Mr. Fish.

WASHINGTON, *December* 13, 1871. (Received December 14.)

DEAR SIR: I beg your favorable action upon the petition I inclose. It is signed by trustworthy citizens of Philadelphia, and I add my urgent request that you will instruct our consul general in Cuba to exercise his good offices for the restoration of Dr. J. E. Houard. A reply will confer a favor on,

Yours, &c.,

LEONARD MYERS.

[Inclosed in the preceding.]

PHILADELPHIA, *December* 1, 1871.

SIR: The undersigned respectfully call to your attention the case of Dr. J. E. Houard, a citizen of the United States residing in Cuba, and pray the intervention of the Government in his behalf. Our understanding of the case is as follows:

Dr. Houard is a native of the United States, but has been for some years a resident of the city of Cienfuegos, in the island of Cuba, in the pursuit of his business as a physician, and has always conducted himself with entire propriety, in nowise intermeddling with political affairs. He has a family of five children.

On or about the 8th of December last, now nearly twelve months since, he was arrested and committed to prison upon suspicion of complicity with the insurgents, and has been ever since incarcerated without trial, though he has constantly demanded it. His affairs have suffered severely from his inability to attend to them, and his family are almost without bread.

Application to the American consul at Cienfuegos has been productive of no result, and your petitioners pray the Department of State will instruct the consul general of

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Cuba to interest himself in the matter, and intercede with the authorities of the island for a speedy investigation of the case, and for the discharge of Dr. Houard from his confinement.

And we will ever pray, &c.

EDWARD PENNINGTON, JR.
W. L. MARSHALL.
F. T. WALTON.
WM. R. LEEDS.
H. W. GRAY.
HARMANN NEFF.
SAM'L DUTTON.
FERD. J. DREER.
HENRY HUHN,
President C. C., Philadelphia.
M. C. HONG.
WILLIAM B. MANN.

The Honorable SECRETARY OF STATE.

No. 7.

Mr. Fish to Mr. Myers.

DEPARTMENT OF STATE,
Washington, December 15, 1871.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, transmitting the memorial of citizens of Philadelphia praying the good offices of the Government in behalf of Dr. J. E. Houard, said now to be imprisoned at Cienfuegos, Cuba; and in reply, I have to state that a copy of the memorial will be transmitted to the consul general of the United States at Havana, by the first mail, with instructions to bring the case to the attention of the proper authorities of the island, and to interest himself in obtaining a speedy investigation, and, if possible, the release of the prisoner.

I have the honor, &c.,

HAMILTON FISH.

Hon. LEONARD MYERS,
House of Representatives.

No. 8.

Mr. Hunter to Mr. Torbert.

No. 10.] DEPARTMENT OF STATE,
Washington, December 20, 1871.

SIR: I inclose herewith a copy of a memorial* addressed to this Department by citizens of Philadelphia, and referred here by Hon. Leonard Myers on the 13th instant, in relation to the continued imprisonment of Dr. J. E. Houard at Cienfuegos. The case has already been the subject of correspondence between the consulate general and the authorities of Cuba. I have to request that you will again call the

* For memorial see inclosure to No. 6, page 6.

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attention of those authorities to the case, and urge a speedy examination, and, if justified by the facts, the prompt release of the prisoner from confinement.

I am, &c.,

W. HUNTER,
Second Assistant Secretary.

General A. T. A. TORBERT,
Consul General of the United States, Havana, Cuba.

No. 9.

Mr. Forney to Mr. Fish.

[Telegram.]

PHILADELPHIA, *December* 30, 1871.

Dr. Houard's friends here exceedingly anxious to know if you have any recent intelligence from Cuba as to prospects of his release or relief. Answer respectfully solicited.

J. W. FORNEY.

No. 10.

Mr. Hunter to Mr. Forney.

DEPARTMENT OF STATE,
Washington, January 3, 1872.

SIR: In reply to your telegram of the 30th ultimo, I have to state that no information has recently been received concerning the case of Dr. J. E. Houard in Cuba. Upon the 20th ultimo the Department transmitted to the consul general at Havana the memorial of certain citizens of Philadelphia for intervention in his behalf, with instructions to urge his release on the authorities of the island. No reply has yet been received. The Department telegraphed yesterday, instructing the consul general to report in the case fully and without delay.

I am, &c.,

W. HUNTER,
Second Assistant Secretary.

J. W. FORNEY, Esq.,
Philadelphia, Pennsylvania.

No. 11.

Mr. Fish to Mr. Torbert.

[Telegram.]

WASHINGTON, *January* 2, 1872.

TORBERT, *Consul General, Havana:*

Please report fully, and without delay, in the case of Doctor J. E. Houard. Reply.

FISH.

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No. 12.

Mr. Fish to Mrs. Dutton.

DEPARTMENT OF STATE,
Washington, January 4, 1872.

MADAM: Your letter of the 25th ultimo, addressed to the President on behalf of your brother, Dr. John E. Houard, who has been sentenced by a Spanish court-martial, in Cuba, to eight years' hard labor in the chain-gang and confiscation of his property, has been referred, by indorsement of the President, to this Department.

In reply, I have to inform you that the subject will receive early consideration. It is desirable that this Department be furnished at an early day with proper evidence of Dr. Houard's citizenship.

I am, madam, &c.,

HAMILTON FISH.

Mrs. EMILIE DUTTON,
220 *South Broad street, Philadelphia, Pennsylvania.*

No. 13.

Mr. Fox to Mr. Davis.

No. 103.] UNITED STATES CONSULATE, TRINIDAD DE CUBA,
December 22, 1871. (Received January 6, 1872.)

SIR: * * *

On the 21st instant, I addressed the captain general a note on the same subject, as will be seen by inclosure *b*.

Not receiving any answer to my note of the 21st up to this morning, I called to see the captain general in reference to the case. He informed me that he had made a partial answer to my note four or five days ago, and seemed to be surprised that I had not received it, but he would have it sent at once. He was very reticent in regard to the trial, only saying that he had been tried and sentenced, and informed me that as matters had been arranged with the Spanish minister at Washington and the Secretary of State, I had no right to ask for information in regard to the case, but it should come to him from the Spanish minister, and that neither of us had a right to correspond diplomatically. He further remarked that several Americans had been pardoned, but this indulgence had been so abused that he should stop it.

Inclosure *c* is the statement of Dr. Houard to the consular agent at Cienfuegos, when his accusers were confronted with him. As I understand, the principal charge of the government against Dr. Houard is his having furnished the insurgents with medicines. The authorities take the ground that he is a Spanish subject, and that his father was one of the founders of the town of Cienfuegos, received lands and titles from Spain, and held office under the authorities of the island; that he lived and raised his family at Cienfuegos; that the present Dr. Houard has lived all his life there, married there, and the last paper he obtained from the government here, in 1870, represented him as a Spanish subject. The captain general gave me the above particulars to-day.

I am sorry that at this present writing (December 30) I have to close my dispatch without receiving the promised note from the captain general.

I am, &c.,

A. T. A. TORBERT.

[Inclosure *a*.]

Mr. Torbert to the Captain General.

UNITED STATES CONSULATE GENERAL,
Havana, December 19, 1871.

SIR: I have the honor to forward for your excellency's favorable consideration the inclosed petition which has just come to my hands from the three daughters of Dr. Juan Emilie Houard, of Cienfuegos, recently tried by court-martial and sentenced to eight years' imprisonment and confiscation of all his property. I am informed that the only property possessed by the doctor is one house in Cienfuegos, and his family consists of three daughters, and for these, in conjunction with the fact that he has already been in prison for a year without trial, I entertain the hope that the case may receive due consideration from your excellency.

I have the honor, &c.,

A. T. A. TORBERT.

Count VALMASEDA,
Captain General of the Island of Cuba.

[Inclosure *b*.]

Mr. Torbert to the Captain General.

UNITED STATES CONSULATE GENERAL,
Havana, December 21, 1871.

SIR: It having been brought to my notice that Dr. Juan Emilie Houard, of Cienfuegos, (who claims to be an American citizen,) has been in prison for one year, and recently tried by court-martial and sentenced to eight years' imprisonment and confiscation of

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his property, I would respectfully ask your excellency, (if compatible with your public duties,) in order that I may have a better understanding of the matter, to furnish me with a copy of the charges and proceedings of the court-martial in the case.

I embrace the opportunity, &c.

A. T. A. TORBERT.

Count VALMASEDA,
Captain General of the Island of Cuba.

[Inclosure *c*.]

PRISON, *October* 23, 1871.

ESTEEMED SIR: The result of having my accusers confronted with me is as follows: I have proved by two witnesses that the box of medicines was sold to Felix Bouyon in the year 1864 or 1865, when he went to Las Tunas; proved by two witnesses that the box of medicines which the carpenter Tusó had mended for me was one sold by me to Francisco Ayala, captain of Palmillas; proved by two other witnesses that the furniture left by Cabada I took in payment of a horse I sold to him for seven ounces. José Joaquin Verdagner says that I told or asked Barrio to accompany me to Las Charcas, and that instead of going there we went to Lechuzo; that on the day of the bombardment I was there at Lechuzo, and that afterward I ran away to Las Charcas. I have proved by nine undoubtable witnesses, Spaniards, (*Peninsulares*,) that all this is false; that I disembarked with my family alone at the Caimanera; that in the afternoon I went to Ponce, to the house of Manuel Esteban de Leon, where I remained all the month of February and up to the 5th of March, when I returned to Cienfuegos.

Manuel Capote, who was not confronted with me, says that I sent money, clothes, and other effects to the insurrection. I said that it was false, and that he could not prove it; that this accusation was made by him because I had threatened to sue him for money he owes me; that, being absent, he said what he liked, for they did not confront him with me. The servant of Cabada says that I attended meetings every day and every night held at the house of Cabada. This is false, for I was only four times in his house, and then early in the morning; three times to see Mr. Fox, who was there sick in bed, and once to pick out some rose-tree slips he had offered to me. My lawyer asked the servant if those who went to the house of Cabada conspired in his presence, and, somewhat disconcerted, he said, "Yes." My lawyer then said, "It was very strange, he [the servant] being a Spaniard, [*Peninsular*,] and a volunteer." This proves the falsity of his declaration. I asked him for proofs, and he remained silent. Federico Carratala, whom I don't know, and believe I have never seen, and he does not know me, said that I was anti-Spanish and disaffected to the government. His proofs are "public report." He is the only one who can say so. He said I boasted of it in "public;" but he names no one of the public. This man was not confronted with me. Juan José La Barga (apothecary) declared that he told me when the box of medicines was found, and that I told him that I had made a present of it to Cabada, but on being confronted with me, declared he was not sure if I had said I presented it to Cabada or sold it to Bouyon; that he was occupied in putting up prescriptions in his shop, and it was very possible I might have told him I sold the box to Bouyon, and that he might have misunderstood me. Here concludes.

I relate the foregoing that you may place it before the consul of my nation, to such end as may be necessary, hoping he will interest himself in my case.

I am, &c.,

EMILIO HOUARD.

Señor Don HENRIQUE MORRIS.

No. 15.

Mr. Fish to Mr. Lopez Roberts.

DEPARTMENT OF STATE,
Washington, January 8, 1872.

SIR: This Department has been informed by Mr. A. T. A. Torbert, consul general of the United States at Havana, that he had understood from his excellency the governor and captain general of the island of

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Cuba, in the course of an interview which he recently had with him, that there had been an arrangement between you and this Department pursuant to which the consul general was deprived of any right to ask for information touching matters affecting citizens of the United States. As I am not aware of any such arrangement, there must have been some misunderstanding upon the subject between Mr. Torbert and the captain general. As the former, however, failed in the object of his interview with the latter, I have the honor to request through you a report upon the charges, and the evidence in support of them, brought against Dr. J. E. Houard, represented to be a citizen of the United States, who was recently condemned by court-martial, at Cienfuegos, to eight years' imprisonment and the confiscation of all his property.

Accept, sir, &c.,

HAMILTON FISH.

[For the answer of the Spanish minister, received February 15, 1872, *vide infra*, No. 25, page 19.]

No. 16.

Mrs. Dutton to Mr. Fish.

PHILADELPHIA, *January* 8, 1872.
220 *South Broad Street.* (Received January 9.)

SIR: I gratefully acknowledge the receipt of your letter dated 4th instant, suggesting that I furnish evidence of my brother's (Dr. John Emile Houard) American citizenship.

Herewith I inclose a certificate showing that his father, Louis Houard, was a citizen of the United States, naturalized October 17, 1803. Also the certificate of Rudolph E. Kuenzer, pastor of the Holy Trinity Church, setting forth that my brother John Emile Houard was born in this city on the 5th day of September, 1815, and baptized in said church on the 16th day of November, 1816. I presume these documents completely establish Dr. Houard's American citizenship, and I do not know that I can furnish any further proofs, except, if it is desirable, the affirmations of John Gustavus Houard, Charles Adolphus Houard, and myself, all natives and residents of this city, that to our knowledge, our younger brother, Dr. John Emile Houard, was born in this city on September 5, 1815, as stated in his certificate of baptism. I will send to General Torbert, American consul at Havana, a copy of my father's (Louis Houard) naturalization papers.

I am, &c.,

EMILIE DUTTON.

[Inclosure a.]

In the court of common pleas for the city and county of Philadelphia.

Among other things it is thus contained of record:

To the Hon. John D. Cox, president, and his associates, justices of the court of common pleas of the county of Philadelphia:

The petition of Louis Houard, a native of Verdonet, in France, respectfully showeth: That your petitioner was residing within the limits and under the jurisdiction of the United States between the 29th day of January, 1795, and the 18th day of June, 1798·

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and has resided within the State of Pennsylvania for upward of five years immediately preceding the date hereof. That he wishes to become a citizen of the United States; and never has borne any hereditary title, or been of any of the orders of nobility in the kingdom from whence he came, or elsewhere. He therefore humbly prays that, on his making the proofs and taking the oaths prescribed, he may be admitted to become a citizen of the United States of America.

And he will ever pray, &c.

L. HOUARD.

Benjamin Nones, of the city of Philadelphia, being duly sworn according to law, says that he is well acquainted with Louis Houard, the within petitioner; that to this deponent's knowledge the said petitioner was, between the 29th day of January, 1795, and the 18th day of June, 1798, residing within the limits and under the jurisdiction of the United States of America; that since the said period the said petitioner has resided within the State of Pennsylvania for upward of five years immediately preceding the date hereof; and that during the said period the petitioner has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good and happiness of the same.

BENJ. NONES.

Sworn in open court October 17, 1803.

For the prothonotary:

HENRY D. HUBLEY.

I, Louis Houard, the within petitioner, do, upon my solemn oath before this honorable court, declare that I will support the Constitution of the United States; that I do hereby renounce and relinquish any title or order of nobility to which I am or hereafter may be entitled, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, and sovereignty whatever, and particularly to the French republic, of which I was formerly a citizen.

L. HOUARD.

Sworn in open court October 17, 1803.

For the prothonotary:

HENRY D. HUBLEY.

Whereupon it was ordered by the court that the said Louis Houard be admitted as a citizen of the United States, and issued a certificate therefor.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, at Philadelphia, this 6th day of January, A. D. 1872.

[SEAL.] J. A. LOUGHRIDGE,
Prothonotary.

PENNSYLVANIA,
City and County of Philadelphia, ss:

I, Joseph Allison, president of the first judicial district of Pennsylvania, and presiding judge of the court of common pleas, orphan's court, and court of general quarter sessions of the peace, for the city and county of Philadelphia, do certify, that John A. Loughridge, by whom the annexed record, certificate, and attestation were made and given, and who in his own proper handwriting has thereunto subscribed his name, and affixed his official seal, was, at the time of so doing, and now is, prothonotary of the court of common pleas in and for the city and county of Philadelphia, in the Commonwealth of Pennsylvania, duly commissioned and qualified, to all whose acts as such full faith and credit are and ought to be given as well in courts of judicature as thereout, and that the said record, certificate, and attestation, are in due form, and made by the proper officer.

In testimony whereof I have hereunto set my hand the 6th day of January, 1872.

JOSEPH ALLISON.

CITY AND COUNTY OF PHILADELPHIA, *ss:*

I, John A. Loughridge, prothonotary of the court of common pleas for the city and county of Philadelphia, do certify that the Hon. Joseph Allison, by whom the foregoing attestation was made, and whose name is thereto subscribed, was at the time of making thereof, and still is, president of the first judicial district of Pennsylvania, and president judge of the court of common pleas, orphan's court, and court of general quarter sessions of the peace for the city and county of Philadelphia, duly commissioned and sworn, to all whose acts as such full faith and credit are and ought to be given as well in courts of justice as elsewhere.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court the 6th day of January, 1872.

[SEAL.] J. A. LOUGHRIDGE,
Prothonotary.

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[Inclosure *b*.]

Extract of the records of all the children born and baptized in Philadelphia at the church of Most Holy Trinity, corner of Sixth and Spruce streets, (November 16, 1816.—No. 119.)

John Emille Houard, lawful son of the late Louis Houard and Mary Louise Houard, *née* Gattier, was born on the 5th of September, 1815, in the city of Philadelphia, and baptized on the 16th of November, 1816, in the Roman Catholic Church of Holy Trinity, city of Philadelphia, by the Rev. Mr. Roloff, pastor of the said church; godfather and godmother were John Baptiste Faure and Franceisca Houard.

Given, Philadelphia, January 6, 1872.

RUDOLPH E. KUENZER,
Pastor of Most Holy Trinity Church, corner Sixth and Spruce, Philadelphia, Pennsylvania.

In witness whereof I have set hereunto my parochial seal.
[SEAL.]

No. 17.

Mr. Hunter to Mr. Torbert.

No. 15.] DEPARTMENT OF STATE,
Washington, January 10, 1872.

SIR: I have to acknowledge the receipt of your dispatch, No. 15, relating to the case of Dr. Houard, and, in reply, I have to inform you that the attention of the Spanish minister here has been called to the statements contained in that dispatch.

The Department is also in receipt of your telegram of the 3d instant.

I am, &c.,

W. HUNTER,
Second Assistant Secretary.

A. T. A. TORBERT, Esq.,
Consul General of the United States, Havana, Cuba.

No. 18.

Mr. Torbert to Mr. Hunter.

No. 19.] UNITED STATES CONSULATE GENERAL,
Havana, January 2, 1872. (Received January 10.)

SIR: I have the honor to forward (inclosure *a*) a copy of the original, and a translation of a note just received from the political governor, in answer to my notes of the 19th and 21st of December, 1870, copies of which were inclosed in my dispatch, No. 15, of December 27, 1870, in relation to Dr. Houard.

I also forward (inclosure *b*) a copy of a dispatch just received from Mr. M. H. Morris, consular agent at Cienfuegos, with a certificate of baptism of Dr. Houard attached.

I have, &c.,

A. T. A. TORBERT.

Hon. WILLIAM HUNTER,
Second Assistant Secretary.

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[Inclosure *a*.—Translation.]

Mr. Araiztegui to Mr. Torbert.

HAVANA, *December* 28, 1871.

SUPERIOR POLITICAL GOVERNMENT OF THE ISLAND OF CUBA, SECRETARY'S OFFICE, POLITICAL BUREAU.

I have informed his excellency the superior political governor concerning the two communications of the 19th and 21st instant, which you addressed to him, relative to Dr. Emilio Houard, tried at Cienfuegos by a military tribunal..

His excellency has charged me to inform you, as I now have the honor to do, that neither of the two communications referred to can be taken into consideration, inasmuch as Dr. Houard is not considered to be an American citizen, as his excellency the Spanish minister at Washington will be instructed to represent to the Government of the United States from the data which will be furnished him for that purpose.

I am also charged by his excellency to say to you, for your guidance in similar cases, that even were Dr. Houard a citizen of the United States, it would not be possible to oblige you in regard to the petition contained in the second of your communications, without an express order form the supreme government at the request of that of the United States, which would be necessary, as happens in every case of a political character and intrinsic gravity.

God guard you many years.

Havana, December 28, 1871.

RAMON MA DE ARAIZTEGUI,
Secretary.

[Inclosure *b*.]

Mr. Morris to Mr. Torbert.

UNITED STATES CONSULAR AGENCY,
Cienfuegos, December 29, 1871.

SIR: * * * * * * * *

According to an old law, any foreigner who has resided in the United States prior to 1812, and has since continued to reside therein, may dispense with the declaration of intention to become a citizen of the United States, as may also any applicant who has resided within the boundaries of the United States three years previous to his majority.

The children of duly naturalized persons, if minors at the time, and residing in the United States, shall be deemed citizens, without taking out papers to this effect.

As I am informed, the father of Dr. Houard arrived in the United States toward the end of the past century, was naturalized there, married there, and his children were born there.

Inclosed I hand the baptismal certificate of Dr. Houard, by which it appears he was born in Philadelphia, September 5, 1815; he attained his majority in the United States.

His diploma as a physician is issued from the Jefferson College of Philadelphia, and dated March 10, 1843. His diploma or permission to practice in the island of Cuba is dated Havana, August 28, 1844, and in it he is stated to be "*Natural de Philadelphia*," (native of Philadelphia.)

The mother and father of Dr. Houard came to Cienfuegos as colonists about the year 1822 or 1823; he accompanied them. The father died here in 1826, and never held office under the government.

I am, &c.,

M. H. MORRIS,
United States Consular Agent.

[Inclosure *c*.]

[Translation from the Latin.]

From the baptismal register of the parish church of the Most Holy Trinity in the city and diocese of Philadelphia, in the State of Pennsylvania, North America.

On the fifth day of the month of September, in the year of our Lord one thousand eight hundred and fifteen, was born, and on the sixteenth day of the month of November, in the year of our Lord one thousand eight hundred and sixteen, was baptized by me, the undersigned, John Emilius, legitimate son of Lewis Houard and Mary Louisa Gattier, his wife. The sponsors were: John Baptist Faure and Frances Rolof.

FRANCIS ROLOF,
Priest.

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In testimony whereof I have issued the present certificate, signed with my own hand and sealed with the parochial seal, at Philadelphia, at the church of the Holy Trinity, as above, on this twenty-third day of the month of January, in the year of our Lord one thousand eight hundred and seventy-one.

[L. S.] PETER MARIA CARBON,
Priest.

Authentic.

[L. S.] JACOB FREDERIC,
Bishop of Philadelphia.

The consul of Spain for the States of Pennsylvania, New Jersey, and Delaware, residing in Philadelphia, certifies that Peter Maria Carbon and Jacob Frederic, by whom the foregoing baptismal record is authenticated, are respectively priests of the church of the Trinity and bishop of Philadelphia, as they style themselves; that the signatures with which they authorize it are theirs, as likewise the seals which they affix, the one of his parish and the other of his bishopric.

In testimony whereof I sign and seal the present in Philadelphia, on the twenty-fifth day of January, one thousand eight hundred and seventy-one.

The consul of Spain.

[L. S.] R. PALOMINOS.

No. 19.

Mr. Torbert to Mr. Hunter.

No. 20.] UNITED STATES CONSULATE GENERAL,
Havana, January 3, 1872. (Received January 10.)

SIR: I have the honor to acknowledge the receipt last night of a telegram from the Secretary of State, as follows: "Please report fully and without delay in case of Dr. Houard; reply," to which I replied at once: "Telegram received; dispatch sent on the 30th; another goes to day. Government declines to give me any information; say it will be furnished through Spanish minister at Washington. They claim Dr. Houard as Spanish subject."

Up to this time I have sent forward everything I have in regard to the case, and I am now trying to get a statement from the lawyer, (a volunteer,) who defended Dr. Houard on his trial, but I fear he will be afraid to make it.

I am, &c.,

A. T. A. TORBERT.

Hon. WM. HUNTER,
Assistant Secretary of State, Washington.

No. 20.

Mr. Torbert to Mr. Hunter.

No. 23.] UNITED STATES CONSULATE GENERAL,
Havana, January 8, 1872. (Received January 15.)

SIR: I have the honor to inclose a copy of a dispatch from Mr. Morris, at Cienfuegos, in relation to Dr. Houard, and to say that I have in my possession his diploma from the Royal University of Havana, which authorizes him to practice medicine and surgery in the island of Cuba. In said diploma he is put down as a native of Philadelphia, and as having exhibited his diploma from Jefferson College, of that city.

I am, &c.,

A. T. A. TORBERT.

Hon. WM. HUNTER,
Second Assistant Secretary of State, Washington.

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[Inclosure.]

Mr. Morris to Mr. Torbert.

UNITED STATES CONSULAR AGENCY,
Cienfuegos, January 5, 1872.

SIR: At half past 7, last night, I received your note to me, No. 3, and at once called on Madame Barrio, the sister of Dr. Houard. She informed me that their father was not one of the founders of the "colony of Fernandina de Xagua;" that he came here in 1821, and as a colonist, received a grant of land, but never, to her knowledge, did he accept or exercise any office under the government.

I send to you with this the original diploma of Dr. Houard, issued at Havana. * *

I cannot obtain a sight of the accusations made against Dr. Houard, and even could I do so, I fear it would be to no purpose, as the sentence passed on him has been approved of by the captain general.

* * * * * * *

M. H. MORRIS.

ALFRED T. A. TORBERT,
United States Consul General, Havana.

No. 21.

Mr. Myers to Mr. Fish.

WASHINGTON, D. C.,
January 13, 1872. (Received January 15.)

DEAR SIR: Since you were kind enough to direct our consul general at Cuba to intercede with the authorities there in behalf of Dr. Houard, he has been sentenced to a long and cruel imprisonment. His relatives assert that he committed no act to justify his conviction and sentence, and the public at large feel a deep interest in his case.

You will greatly oblige me by replying whether your Department has any information from our consul general on the subject, and what action he took in the matter.

I am, &c.,

LEONARD MYERS.

Hon. HAMILTON FISH,
Secretary of State.

No. 22.

Mr. Fish to Mr. Myers.

DEPARTMENT OF STATE,
Washington, January 16, 1872.

SIR: In reply to your letter of the 13th instant, in reference to the case of Dr. Juan E. Houard, who was recently convicted and sentenced at Cienfuegos, Cuba, I have the honor to state that no reliable information has as yet been received from the consul general at Havana, in reply to the instructions of the Department. The case is now the subject of correspondence with the Spanish minister.

I have the honor, &c.,

HAMILTON FISH.

Hon. LEONARD MYERS,
House of Representatives.

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No. 23.

Mr. Fish to Mrs. Dutton.

DEPARTMENT OF STATE,
Washington, January 17, 1872.

MADAM: Your letter of the 16th instant, in relation to the case of your brother, Dr. Houard, at Cienfuegos, Cuba, has been received. In reply, I have to inform you that the Spanish government claims that Dr. Houard has lost his American citizenship. The case is under consideration, and I beg to assure you that all that can be, is being done for him.

I am, madam, &c.,

HAMILTON FISH.

Mrs. EMILIE DUTTON,
220 *South Broad Street, Philadelphia.*

No. 24.

Mrs. Dutton to Mr. Fish.

220 SOUTH BROAD STREET, PHILADELPHIA,
January 21, 1872. (Received January 22.)

SIR: I beg to return my acknowledgments for the prompt reply contained in your favor of 17th instant, noting the gratifying assurances of the interest of the Government in the case of my brother, Dr. Houard. The natural solicitude felt by me in common with the rest of Dr. Houard's family as to his fate, will, I trust, excuse my trespassing on your attention and time. The claim that he has lost his American citizenship is of a par with the accusations made by the Spanish authorities.

No act of my brother during his residence in Cuba can be construed into intentional renunciation of his nationality. He was known as an American, and prided himself on it; and during our rebellion was well known at Cienfuegos as one of the stanchest upholders of the Union. With reference to his having a *cedula* or police permit as a Spanish subject, I beg to explain that, as a police regulation, all residents in Cuba, heads of families, were required to have one; and I do not know that there was any special form for foreign residents to my knowledge. Other Americans residing there were provided with the ordinary *cedula*. There was no special importance attached to the document, it being considered as one of the many ingenious taxes of the Spanish government. It would be impossible for any American residing abroad, however careful and law-abiding, to feel safe on the score of his nationality if specious pretexts and such crude shreds of testimony as alleged by the Spanish authorities could be brought against him to further the hostility and prejudices of treacherous enemies. I learn on good authority that many witnesses in his favor were not called or allowed to give evidence for him.

Of the witnesses against him, one Labarga retracted his first statement; Capote did not ratify his statement according to Spanish law; Verdaguer is one of the committee on embargoed property, who has direct interest in the confiscation of property; the other two witnesses are as notoriously worthless and malignant. They have proved nothing

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against my brother, notwithstanding every effort made to incriminate him and blacken his case. I respectfully submit that the rights and dignity of an American citizen require to be upheld with energy against the devices and sophistries of those Spaniards who would only be too glad to sacrifice Dr. Houard to their passionate hatred against our country, and I confidently trust that justice will be done to him through the interposition of our Government.

I am, &c.,

EMILIE DUTTON.

Hon. HAMILTON FISH,
Secretary of State, Washington.

[Translation.]

No. 25.

Mr. Lopez Roberts to Mr. Fish.

LEGATION OF SPAIN,
Washington, February 14, 1872. (Received February 15.

The undersigned, envoy extraordinary and minister plenipotentiary of Spain, has the honor to inform the honorable Secretary of State, in reply to his note of the 8th ultimo, in relation to D. Juan Emilio Houard, that, from the reports received from the captain general of Cuba, it appears that Dr. Houard has no right to claim American citizenship, since, in addition to the fact that his father renounced his character as a foreigner by accepting the office of police commissioner, the circumstance of his being provided with a certificate of residence as a Spanish citizen, when the law in relation to foreign citizenship, of July 4, 1870, published in the *Gazeta de la Habana* on the 16th of August of the same year, says in its seventh article that "*Any foreigner residing in a Spanish colony must, in order to be considered as such, in accordance with this law, have his name enrolled in the list of foreigners, which shall be kept by the superior civil governor*, and in that of the consulate of his nation," clearly shows that Houard, not having complied with this requirement, was not considered an American citizen.

The undersigned avails himself of this occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

MAURICIO LOPEZ ROBERTS.

To the honorable SECRETARY OF STATE
of the United States.

No. 26.

Mr. Fish to Mrs. Dutton.

DEPARTMENT OF STATE,
Washington, February 17, 1872.

MADAM: A note, dated the 14th instant, has been received from the Spanish minister here in relation to the case of your brother, Dr. Houard, in which it is stated that, from reports received by the captain general of Cuba, Dr. Houard has no right to claim American citizenship; that, in addition to the fact that his father renounced his character as a foreigner by accepting the office of police commissioner, the

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circumstance of his being provided with a certificate of residence as a Spanish citizen at the time when the law in relation to foreign citizenship of July 4, 1870, was published in the *Gazeta de la Habana*, and that having failed to comply with the requirements of the law, it would seem clear that Dr. Houard was not considered an American citizen.

The seventh article of the law, as cited by the Spanish minister, is as follows: "Any foreigner residing in a Spanish colony must, in order to be considered as such, in accordance with this law, have his name enrolled in the list of foreigners, which shall be kept by the superior civil governor, and in that of the consulate of his nation."

I am, madam, &c.,

HAMILTON FISH.

Mrs. EMILIE DUTTON, *Philadelphia.*

No. 27.

Mrs. Dutton to Mr. Fish.

PHILADELPHIA, *February* 20, 1872.
220 *South Broad Street.* (Received February 21.)

SIR: I am favored by your communication of the 17th instant, and thank you for the information it contained. I have read it with the feeling of natural indignation which the barefaced and unscrupulous falsehoods of the Spanish authorities provoke, and, at the same time, with some discouragement at the thought that such base fabrications and sophistries may impose upon and deceive our Government into permitting my brother, Dr. Houard, to be sacrificed to the intrigues and enmities of the Spaniards in Cuba.

I deny that my father ever renounced his American nationality, and that he ever held the office of police commissioner or any other office under the Spanish government; such a thing was never known in our family. My father lived but seven years in Cuba, and did not speak the Spanish language; his age and social position were above his holding any such office. My brother was born in this country and never renounced his citizenship; he was here more or less of his time until after graduating as a physician, when he removed to Cuba; he was always known there as an American.

The law referred to, of July 4, 1870, in relation to foreign citizenship, may have been published in the *Gazeta de la Habana;* this is an official paper but little circulated through the island, only seen and read by those who may chance to hold office, and my brother would, most likely, not ever know of such law being published. It may be that he did not enroll his name at the United States consulate agency at Cienfuegos, though he certainly had a certificate from the United States consul at Trinidad of his being an American citizen; his name would probably appear in the records there or at Cienfuegos at the time.

The certificate of residence (*cedula de domicilio*) was considered in Cuba as of no import—merely a local police regulation. No one then resident of the island ever knew of any distinction being made between foreigners and Spanish subjects in holding these *cedulas;* it was merely required that all residents should have them. If my brother did hold such a one, it was like many other foreigners, without a suspicion of invalidating in any way his American nationality. Surely

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a very slight hold and pretense for the outrage that is being attempted against him.

It is well understood in Cuba that the whole case against my brother has been the plot of a few enemies; and to justify their proceedings against him in the eyes of the United States Government, the effort is is being made to invalidate his American citizenship. An affidavit, signed by Manuel M^{a} Capote, which has been sent to the Department by my brother, J. G. Houard, of this city, will bear evidence to the way these matters are managed in Cuba. This same Capote was, under duress, compelled to testify against my brother out there, but being now free and out of reach of the Spaniards, he has voluntarily, under oath, retracted his first statement as explained in the paper.

I cannot but hope that this Government will see that justice is done, and assert its protection to one of its citizens, so foully and treacherously dealt with by those who hold power in Cuba, and who stop at nothing to carry out their vindictive purposes.

May I beg the favor of hearing from the Department what further matters may be developed in my brother's case, that I may be able to explain and produce evidence to refute any false statements?

I remain, sir, respectfully, yours,

EMILIE DUTTON.

Hon. HAMILTON FISH,
Secretary of State, Washington.

No. 28.

Mr. Torbert to Mr. Hunter.

No. 36.] UNITED STATES CONSULATE GENERAL,
Havana, February 16, 1872. (Received February 23.)

SIR: I have to inform the Department that Dr. Emilio Houard arrived here last evening from Cienfuegos, and was placed in the convict prison. I was immediately informed of his arrival, about 1 o'clock to-day, and went at once to see him.

I could ascertain nothing in relation to his case further than the supposition on the part of the doctor and the *comandante* of the prison, that he (Houard) had been sent there to undergo his sentence of eight years' chain-gang. The doctor was still in citizen's clothes, because, as the *comandante* of the prison informed me, the sentence had not reached him, but by to-morrow it would probably be in his hands, when the doctor's beard and hair would be shaved off, himself dressed in the convict garb, put in chains, and sent to work in the quarries. And believing, as I have and do, in the entire innocence of Dr. Houard, and considering that he has already undergone a long imprisonment, it was not pleasant to sit quietly and listen to the terrible life in store for the old man. The doctor informs me that news had reached him that the man by the name of Capote, who made the worst declaration against him, now says that he was forced to make the declaration under the threat of being shot, and that it was all false. This Capote is somewhere in New York City.

During the afternoon I sent to the Department the following telegram in cipher: "Dr. Houard arrived here last night. Is in the convict prison, and to-morrow expects to have head shaved, put in chains, and made to labor on public works. Torbert."

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If possible, I shall intercede for the doctor to prevent his being sent out of the prison to work.

I have the honor, &c.,

A. T. A. TORBERT.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington.

No. 29.

Mr. Hunter to Mrs. Dutton.

DEPARTMENT OF STATE,
Washington, February 26, 1872.

MADAM: I acknowledge the receipt of your letter of the 20th instant, in relation to your brother, Dr. J. E. Houard, who is now undergoing the sentence imposed upon him by the authorities of Cuba.

Reference is made in your letter to a deposition of Manuel M^{a} Capote as having been transmitted to the Department by J. E. Houard, and said to contain statements of importance in your brother's case. It does not appear that that deposition has been received.

I am, madam, &c.,

W. HUNTER,
Second Assistant Secretary.

Mrs. EMILIE DUTTON,
220 *South Broad street, Philadelphia, Pennsylvania.*

No. 30.

Mrs. Dutton to Mr. Fish.

PHILADELPHIA, *March* 1, 1872,
220 *South Broad street.* (Received March 2.)

SIR: I am in receipt of communication from the Department of 26th ultimo. The deposition of Manuel M^{a} Capote, referred to in my former letter, was sent to Hon. William D. Kelley, who wrote that he would hand it in to the Department on Tuesday last. I trust the statement it contains will give our Government a true appreciation of the perfidy with which the authorities in Cuba have proceeded in the case of my brother, Dr. J. Emile Houard.

I learn, by letters received from Cuba, that it was there known that Capote had protested at the Spanish consulate in New York against the declarations that had been extracted from him in Cienfuegos, Cuba, against my brother and others. This protest by Capote was in advance of the affidavit which was delivered to the Department by Mr. Kelley.

Learning from persons here that my brother had actually inscribed his name as an American citizen at the United States consular agency at Cienfuegos, application was made for information to Mr. Charles Fox, the late United States consular agent at Cienfuegos, now in Portland, Maine.

In reply to inquiries, he has sent the inclosed statement, certified by a notary public, which certainly should be of weight in your consideration of my brother's case.

I desire to call your attention to the *cedula*, or police document of

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residence, that the Spanish authorities would give such importance to in the case of my brother. I have before stated that it is a document required to be taken out by all residents in Cuba, natives and foreigners, without exception. The one taken out by my brother, Dr. Houard, which has been sent by his family from Cienfuegos to the United States consul at Havana, states that Dr. Houard is a resident of Cienfuegos and a native of the United States. By none of the consuls of other nations has this document been considered any proof of Spanish citizenship, except it was stated that the holder was a native of Spain or one of its colonies.

I also learn from good authority that the regulation as to foreign residents inscribing their names at the office of their consuls, quoted by you in a former communication as published July 4, 1870, was not enforced or carried into effect until some time after my brother's imprisonment; this I have from the best authority.

The facts stated and proofs furnished in my brother's case clearly show that he is an American citizen, and that the only plea on which the Spanish authorities strive to deprive him of his rights as one is the neglect, possibly, but not certain, that he has failed to comply with some police regulation. Is it possible that my Government will allow him to be cruelly sacrificed, and in his person the nation outraged and insulted? I know that the condition of his case excites the astonishment of all foreigners in Cuba; which feeling is shared by a large class of respectable Spaniards, and Americans (as they well may be) are alarmed.

Let me entreat you, Mr. Secretary, to take immediate and vigorous measures to relieve my brother from his most lamentable condition—a man without crime (and only obnoxious because he is an American and a relative of Cuban patriots) suffering the punishment of criminals of the worst sort.

I am, very respectfully, your obedient servant,

EMILIE DUTTON.

Hon. HAMILTON FISH,
Secretary of State, Washington.

[Inclosed in the preceding.]

I, Charles Fox, now resident at Portland, in the county of Cumberland and State of Maine, on oath say that, in the latter part of 1868 and the first part of 1869, I was United States consular agent at Cienfuegos, in the Island of Cuba, and in the latter part of 1868 or the first part of 1869 that Dr. Emilio J. Houard, then at Cienfuegos, was enrolled as an American citizen at the United States consulate in that city; that he was one of a number of American citizens who signed an application to me to have an American man-of-war sent to the port of Cienfuegos for the protection of the lives and property of American citizens; that I was acquainted with him, and he was generally known as an American citizen; that I never knew him to act or talk otherwise than as a *bona fide* American citizen, and I never had any knowledge, information, or intimation of his taking any part whatever in political matters in the late disturbances in Cuba.

CHARLES FOX.

STATE OF MAINE,
Cumberland, ss, February 26, 1872:

Then personally came before me, Josiah H. Drummond, a notary public in and for said county and State, Charles Fox, well known to me, and subscribed the foregoing declaration in my presence, and made oath to the truth of the same, according to his best knowledge, recollection, and belief, before me.

In witness whereof I have hereunto set my hand and notarial seal the day and year above mentioned.

JOSIAH H. DRUMMOND,
Notary Public.

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No. 31.

Mr. Kelley to Mr. Fish.

HOUSE OF REPRESENTATIVES,
February 28, 1872. (Received February 28.)

DEAR SIR: Permit me to bring to your attention the inclosed important papers touching the conviction and imprisonment of Dr. Houard by the Cuban authorities.

Yours, very truly,

WM. D. KELLEY.

Hon. HAMILTON FISH,
Secretary of State.

[Inclosure *a*.]

Dr. J. G. Houard to Mr. Baird.

PHILADELPHIA, *February* 12, 1872.

SIR: The kind interest you have evinced in the case of Dr. Houard, at Cienfuegos, encourages me to ask the favor of your examining the paper I herewith inclose, bearing very strong evidence of the conspiracy forged against him to satisfy the prejudice and revenge of some enemies in Cuba, in the guise of Spanish volunteers.

The affidavit, duly attested, of Manuel M. Capote, made in New York on the 8th instant, which I accompany with a translation, explains itself, and was freely and voluntarily given by him as a matter of conscience, and is moreover confirmed by the declaration and protest to the Spanish consul at New York recently, when summoned by the said official to corroborate the testimony he (Capote) had previously given in Cienfuegos against Dr. Houard and others, and which he refused to do. I also know further, from the said Capote, that a captain of volunteers, named José Casanova, was the person who actually framed the first deposition of Capote at Cienfuegos, alleging that Dr. Houard being an uncle of the Cavadas was sufficient cause for the proceeding.

All the foregoing very abundantly proves that the whole case against Dr. Houard was unscrupulously manufactured for a purpose, and by drawing the attention of our Government to it, should certainly cause more decided action to be taken in behalf of my brother for his release, and for shortening of his unjust detention by the Spanish authorities. It is a most unqualified outrage that an innocent man, an American citizen, should be dealt with in this manner with such perfect impunity.

I have to solicit your valuable co-operation with the family and friends of Dr. Houard, in representing to our Government the truth of the case, and necessity for more energetic interposition. You will thereby confer a lasting favor upon many, and upon

Yours, very respectfully,

J. G. HOUARD, M. D.,
402 *South Broad Street.*

HENRY C. BAIRD, Esq.,
Philadelphia.

[Inclosure *b*.—Translation.]

I, Manuel Mª Capote y Espinosa, do say: That the declaration made by me in the town of Cienfuegos against Dr. Emilio Houard, on the occasion of his trial for the crime of treason, was made owing both to the pressure brought to bear upon me by various persons, and to the panic terror, with which they inspired me, I supposing that, if I did not declare in a certain sense, I should be dragged by the volunteers of the town; therefore, for the sake of truth, I must declare, as I formally do declare, that the said declaration is entirely without foundation, and consequently at variance with the facts; that I only know the said Mr. Houard as having been my family physician, and that I have no knowledge of the acts of which I was induced to accuse him.

MANUEL Mª CAPOTE.

NEW YORK, *February* 8, 1872.

UNITED STATES OF AMERICA,
State of New York, City and County of New York, ss:

I hereby certify that on this 8th day of February, A. D. 1872, before me, a notary

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public of the State of New York, duly commissioned and sworn, personally appeared Manuel Mª Capote, to me personally known, and known to me to be the individual who prepared and subscribed the foregoing instrument, who, being by me duly sworn, did depose and say that the matters therein stated are true of his own knowledge.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year above written.

[SEAL.] HENRY K. CODDINGTON,
Notary Public, New York County.

STATE OF NEW YORK,
City and County of New York, ss:

I, Charles E. Loew, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, the same being a court of record, do hereby certify that Henry K. Coddington, whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such proof or acknowledgment, a notary public in and for the city and county of New York, dwelling in the said city, commissioned and sworn, and duly authorized to take the same. And further, that I am well acquainted with the handwriting of such notary, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine. I further certify that said instrument is executed and acknowledged according to the law of the State of New York.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county the 9th day of February, 1872.

[SEAL.] CHAS. E. LOEW.

No. 32.

Mr. Torbert to Mr. Hunter.

No. 39.] UNITED STATES CONSULATE GENERAL,
Havana, February 19, 1872. (Received March 1.)

SIR: I have to state further, in regard to Dr. Emilio Houard, that I interceded with the captain general so far as to request that the doctor should not be sent to work outside of the prison, and he informed me that my wishes should be complied with. During the conversation he remarked that he considered the doctor to be a Spanish subject, and I replied that I considered him, beyond a doubt, to be an American.

When last seen, the doctor had had his beard and hair cut off, was in prison garb, but had no chains on. The doctor told me, and I have it from other sources from Cienfuegos, that a man by the name of Manuel Capote, somewhere in New York, has sent word out here that all of the statements which he made against Dr. Houard were false, and that he was compelled to make them under the threat of being shot. If possible, this Capote should be found and examined.

I have the honor, &c.,

A. T. A. TORBERT.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington.

No. 33.

Mr. Torbert to Mr. Hunter.

No. 41.] UNITED STATES CONSULATE GENERAL,
Havana, February 23, 1872. (Received March 1.)

SIR: I have the honor to inclose herewith two *cedulas*, one of 1869 and the other of 1870, marked A and B respectively, issued by the Spanish authorities of this island to Dr. Houard, in which he is spoken of as a native of the United States. The captain general told me, in a

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conversation concerning Dr. Houard, that the *cedula* which he took out in 1870 was as a Spanish subject. Compare this statement with the inclosed *cedula* of 1870.

I am, &c.,

A. T. A. TORBERT.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington.

[A.—Translation.]

No. 412. Seal and stamp of the commissioner of police. { Year 1869. Office of the lieutenant governor of Cienfuegos.

ISLAND OF CUBA.

Public vigilance.

General description.
Age, 47 years; stature, tall; hair, black; eyes, dark; nose, regular; beard, heavy; face, regular; color, dark.
Particular description.

Certificate of residence for the head of a family.

Don Emilio Houard Gatier, married, a native of the United States, registered in this town as a doctor of medicine, resides in Garel street, No. 18.

CIENFUEGOS, *February* 6, 1869.
For the lieutenant governor.

The commissioner, ANTONIO A. BELLO.

The party interested, Emilio Houard.
Paid 250 thousandths, (*i. e.*, of a dollar; otherwise, 25 cents.)
It goes without correction.

[B.—Translation.]

No. 334. Stamp and seal of commissioner of police. { Year 1870. Office of lieutenant governor of Cienfuegos.

ISLAND OF CUBA.

Public vigilance.

General description.
Age, 48 years; stature, tall; hair, chestnut; eyes, dark; nose, regular; beard, heavy; face, round; color, good.
Particular description.
Corrected. Widower. Correct.

Certificate of residence for the head of a family.

Don Emilio Houard, widower, a native of the United States, registered in this town as a physician and surgeon, resides in Garel street, No. —.

CIENFUEGOS, *January* 10, 1870.
[L. S.] The party interested.
For the lieutenant governor.

The inspector, PEDRO ROVIRA.

Paid 250 thousandths, (*i. e.*, of a dollar, *alias* 25 cents.)
It goes without correction.

No. 34.

Mr. Hale to Mr. Torbert.

No. 33.] DEPARTMENT OF STATE,
Washington, March 6, 1872.

SIR: I have to acknowledge the receipt of your Nos. 36, 39, and 41, also your telegram of the 26th ultimo, all relating to the case of Dr. Emilio Houard. I have also received your No. 40.

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The case of Dr. Houard is receiving the careful attention of the Department.

I am, &c.,

CHARLES HALE,
Assistant Secretary.

No. 35.

Mr. Fish to Mr. Adee.

No. 58.] DEPARTMENT OF STATE,
Washington, March 9, 1872.

SIR: John Emilie Houard is a citizen of the United States by birth. He was born in Philadelphia, September 5, 1815. A copy of his baptismal certificate accompanies this instruction.* His father was also a citizen of the United States by naturalization, completed in 1803.

About 1822 or 1823 John Emilie Houard accompanied his father to Cuba, where the latter established a residence in that island, which he maintained until his death, in 1826. John Emilie Houard returned to Philadelphia at some time prior to 1836, when he attained his majority, and was graduated there at the Jefferson Medical Institute, in the year 1843. He subsequently repaired to the island of Cuba, where he received a permission from the authorities to practice his profession in that island, under date of August 28, 1844. In this permission he is described as a native of Philadelphia.

It does not appear that Dr. Houard ever renounced his nationality of birth, or that he ever accepted Spanish nationality.

Incurring the suspicion of the authorities in the island, (chiefly as is believed by reason of the complicity of some of his relatives in the rebellion,) John Emilie Houard was arrested at Cienfuegos, 13th December, 1870. At some time during the latter part of the year 1871 he was tried by a court-martial, found guilty, and sentenced to eight years' imprisonment and confiscation of all his property. It is understood that he is to be sent to Spain.

Mr. Torbert, consul general at Havana, was instructed to request a copy of the charges against Dr. Houard, and of the record of the proceedings of the tribunal before which his case was heard.

To this request the captain general replied that the consul general had no right to ask for information in regard to the case, but it should come to him from the Spanish minister, and that neither the captain general nor the consul general had a right to correspond diplomatically.

On the 8th of January last I addressed the Spanish minister in this city on the subject, requesting a copy of the charges and the evidence in support of them. This request has not been complied with, but the Spanish minister, in his answer, controverts, but without refuting, the fact of Dr. Houard's American citizenship.

Manuel Capote, said to have been the principal witness against Dr. Houard before the court-martial, has made a statement to the effect that his testimony before the court was false, being given under duress and fear of his own safety. A copy of this statement of Capote is herein inclosed.*

The action of the Spanish authorities in the island of Cuba in trying Dr. Houard by a court-martial, and their refusal to furnish the record

* For inclosures see No. 18, page 15, and No. 31, *ante*, page 24.

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of the proceedings of the court and of the testimony adduced against him appear to be a clear infraction of the provisions of the seventh article of the treaty of 1795 between the United States and Spain; an infraction of the treaty against which this Government is called to interpose the most serious remonstrance. You are accordingly instructed to bring this case to the attention of the Spanish government.

You will point out the fact that Dr. Houard is a native citizen of the United States; you will remonstrate against the proceedings of the Spanish authorities in Cuba in his case, as a violation of the provisions of the treaty already cited; and you will ask his immediate release.

I am, sir, &c.,

HAMILTON FISH.

A. A. ADEE, Esq., *&c., &c., &c.*

No. 36.

*Mr. Fish to Mr. Colfax.**

DEPARTMENT OF STATE,
Washington, March 12, 1872.

SIR: I have the honor to acknowledge the receipt of the paper referred by you, under date of the 10th instant, to this Department, and to thank you for promptly putting me in possession of the information which it contains.

There is a mass of papers on file in this Department relating to the case of Dr. John Emilie Houard, all of which papers have been most carefully examined, and have been made the subject of anxious consideration by the President and his advisers. Should you desire to see these papers, I should be happy to submit them to your examination.

The facts in the case may be briefly stated as follows:

There is no doubt that John Emilie Houard (not Howard) was born in the United States. His father, Louis Houard, was a French subject by birth, and a citizen of the United States by naturalization. John Emilie Houard went to Cuba at a very early age in company with his father, who became a resident of that island. The young Houard was sent to Philadelphia to be educated, but returned to Cuba, and he has actually resided in Cuba the greater part of his life, practicing his profession as physician and surgeon. He or his father enjoyed what were supposed to be certain privileges, to which was attached the right to become Spanish subjects; but Dr. Houard declares that he never formally accepted such nationality and never renounced his nationality as a citizen of the United States. Two married sisters of Dr. Houard, with their families, have always been residents of Cuba, and three of his nephews were officers of the patriot or insurrectionary army.

It can scarcely be denied that these circumstances, in some degree, justify the Spanish authorities in regarding Dr. Houard as subject to their jurisdiction, since, on the other hand, nothing whatever is brought forward in his behalf to illustrate or prove his assertion at any time of American citizenship. For instance, it does not appear that he inter-

*This letter from the Secretary of State to the Vice-President was written in acknowledgment of the receipt of an anonymous paper referring to the case of Dr. Houard, which the Vice-President had received and had transmitted to the Department of State for its consideration.

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ested himself, as did so many citizens at home and abroad, in behalf of the Union cause during our own war; that he offered his services as surgeon in our volunteer army; that he subscribed to any of the war charities, or that he paid at any time income tax or other tax to the United States, or ever did any particular thing tending to show the Spanish authorities that he did not consider himself a Spanish subject, or to show this Government that he did regard himself a citizen of the United States, until his recent misfortune occurred.

But these considerations, of course, are not conclusive; because the real question is, whether Dr. Houard has actually given just cause of offense to the Spanish authorities; and here, unfortunately, the evidence is conflicting; or, to speak more exactly, this Department has not been supplied with any conclusive evidence to be urged in his behalf. The unfortunate circumstance that a medical chest formerly belonging to him, and marked (it is believed) with his name, was found in a camp captured from the insurgents, is mentioned in the paper submitted by you. From other evidence it appears that this was not the only instance, but that another medical chest, also marked with his name, and admitted to have once belonged to him, was found in another captured camp of the insurgents.

You will readily admit that had a similar circumstance occurred during our own war, it would not have been regarded as disposed of by a simple declaration that the medical chest had been parted with previous to the outbreak of hostilities.

The strong point which prevents the intervention of this Government in behalf of Dr. Houard from becoming efficacious for his release is the fact that he has been regularly tried and found guilty by a duly constituted tribunal in the island of Cuba. If it were in the power of Dr. Houard or his friends to put this Department in the possession of facts that would impugn the integrity of the proceedings of that tribunal, or deny its competency to act in the premises, such facts would be urged to the best advantage; but none such are offered, with the exception of the *ex parte* declaration of a single untrustworthy witness, who now declares that he gave testimony against Dr. Houard which was false.

I need not remind you that the Government of the United States acknowledges the principle of expatriation, and that a formal act or declaration is not essential to effect the renunciation of the nationality of birth. If Dr. Houard had desired to renounce his nationality of birth, it was not necessary for him to do more than he actually did in quitting the United States, establishing himself permanently in Cuba, and making that island his residence without any declared or fixed intention to return to the United States, and without discharging, during his long residence there, any duty of a citizen of the United States, and appearing ostensibly as a Spanish subject. If there be circumstances to contradict this apparent throwing off of American citizenship, they have not yet been fully presented.

* * * * * * *

The remark that other governments are more solicitous than that of the United States to protect their citizens abroad is not supported by any facts relating to the present troubles in Cuba, and might be disproved by abundant evidence to be found in the published archives and correspondence, and in the debates of the public assemblies, of different nations.

The United States Government is generally mentioned as the most exacting in this respect, of any in the world, and nothing whatever has

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been done by the present administration to change its character in this regard. No other power has been more successful than ourselves in dealing with the authorities of the island of Cuba. It is, however, a very common thing for people of any nationality, in moments of disappointment and excitement, to imagine that if their nationality were different their cases would receive more careful attention.

You may be sure, Mr. Vice-President, that the painful case of Dr. Houard, and all similar cases, will continue to receive the most careful consideration by this Government, and should it be in the power of any of your correspondents to furnish information that will strengthen the hands of the Government in the premises, such information will be most gratefully received.

I have the honor, &c.,

HAMILTON FISH.

Hon. SCHUYLER COLFAX,
Vice-President of the United States.

No. 37.

Mr. Torbert to Mr. Hunter.

No. 43.] UNITED STATES CONSULATE GENERAL,
Havana, February 29, 1872. (Received March 8.)

SIR: On the 26th instant I had the honor to address the following telegram to the Department, in cipher:

FISH, *Secretary of State:*

In a short time Houard is to be sent to Spain to serve out his sentence.

This I was led to do on account of being informed by the commandant of the prison in which Dr. Houard is confined that he (Houard) would probably be sent in a short time to the presidio at Ceuta. I at once interceded (indirectly) with the captain general so far as to have the doctor's sentence carried out here in the island. I further learned that Dr. Houard's father came to Cienfuegos about 1821, at the solicitation of De Clonet, who was the original founder of that colony, and not Dr. Houard, sr., as the captain general informed me. The father of Dr. Houard was awarded, like other colonists, one town lot, and a *caballeria* of land (about thirty-three and a third acres) each for himself, wife, and those of his children who had attained to the age of sixteen. As far as I can ascertain, these grants did not imply the necessity of renouncing their nationality, or require them to assume any other obligations than to conduct themselves like good citizens, build on the town lots, cultivate the land within a given time, so as to make their titles good, the fulfillment of these conditions being the main requisites of the grant. I have been informed by some that about this time the King of Spain issued a decree conceding to De Clonet and his colonists the right of becoming Spanish subjects, but there is a great difference in conceding and requiring, the former being the duty of the authorities, to show that the colonists did renounce their nationality.

The French consul at Cienfuegos says that, without a single exception, all of the sons, even the grandsons, of the French colonists—and there were quite a number of them—are enrolled and recognized as French citizens. There have been several instances where they have been allowed to leave the island, or sent away, on the plea of their being foreigners.

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Dr. Houard informs me that his father, soon after his arrival, in 1821, at Cienfuegos, was named as chief of police, but, not being able to speak a word of Spanish, declined to serve in that capacity, and never did accept any office under the government; that his father died in 1826; and his mother, in a lawsuit that ensued afterward, lost the land that had been granted to him.

The doctor states that he was born in Philadelphia, and came to the island when he was five years old, and that when his father died he was about ten; after that, returned to Philadelphia, was educated there, and became of age in the United States; afterward returned to Cuba and went into the practice of medicine; but has never accepted office nor served in any official capacity under the Spanish government, and has always considered himself as an American, never having done anything to forfeit his right to the protection of the United States.

I have the honor, &c.,

A. T. A. TORBERT.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington.

SATURDAY, *March* 2, 1872.

P. S.—Since writing the foregoing I have been unofficially informed that Dr. Houard was last Thursday, the 29th ultimo, transferred from the prison to the Cabaña fortifications, and is to be sent to the Spanish galleys at Ceuta to work out his sentence upon the steamer of the 15th instant; further, that chains have been put upon him, and he was to be set to work to-day.

A. T. A. TORBERT.

No. 38.

Mr. Halé to Mr. Torbert.

No. 35.] DEPARTMENT OF STATE,
Washington, March 13, 1872.

SIR: Your dispatch No. 43, under date of February 29, with postscript bearing date March 2, referring to the case of Dr. Houard, was received in due course at this Department, and received that immediate and careful attention which the importance of the case demanded. The Secretary of State directed the preparation of an instruction to you, desiring you to point out, if any exist, the proofs and illustrations which only can be used by this Government for the relief of Dr. Houard, namely, proofs and illustrations of any particular acts of his tending to show notice to the Spanish government, or to his neighbors, that he did not consider himself a Spanish subject, or notice to this Government or to his neighbors that he did consider himself a citizen of the United States, before his recent misfortune occurred; and also facts, if any, tending to impugn the integrity of the proceedings of the tribunal which condemned Dr. Houard, or to deny its competency in the premises.

Such an instruction was in course of preparation, and a careful search of the voluminous papers already submitted was in progress, in the hope of finding some such evidence as might be used to advantage, when a communication was received from the Vice-President, of which a copy is inclosed. To this communication the Secretary of State returned an answer, of which, also, a copy is inclosed, and the expres-

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sions of fact and opinion therein set forth are to be regarded by you as a part of this instruction.* It is believed that after reading the Secretary's letter you will have no difficulty in understanding what sort of proof alone would serve for the solution of the painful case of Dr. Houard.

* * * * * * *

You must be aware that the Department shares your sympathy for the hardship of Dr. Houard, and is ready to receive such facts and arguments as may be made available for his relief.

I am, &c.,

CHARLES HALE,
Assistant Secretary.

No. 39.

Mr. Torbert to Mr. Fish.

[Telegram.]

WASHINGTON, *March* 14, 1872.

FISH, *Secretary of State, Washington:*

Houard embarks for Spain to-morrow.

TORBERT.

No. 40.

Dr. J. G. Houard to Mr. Fish.

PHILADELPHIA, *March* 15, 1872. (Received March 16.)

SIR: My sister, Mrs. Emily Dutton, being too much prostrated by the news lately received of the death of her son, General Adolphus Cavada, in the Cuban insurrection, I take the liberty of inclosing herewith a certificate of the United States consular agent at Cienfuegos, to the effect that my brother, Dr. J. E. Houard, recorded his American citizenship at said consulate in November, 1870. I also inclose a copy obtained from Cuba of the Spanish law and edicts with reference to the naturalization of foreigners in the colonies, which clearly shows that neither my brother could be a Spanish subject without complying with every requirement of the law, which was not the case.

I beg to state, in reference to the matter of *cedulas* as police permits, that it was only during 1871 that new and distinct *cedulas* were issued to foreign residents. My brother had then been some time in prison. Up to that time the form of *cedulas* were the same to Spanish subjects and foreigners.

We have not yet learned whether the statement by Ex-Consul Fox and the affidavit by Manuel Capote, forwarded to the Department at end of last month, were received by you.

My brother is now at work in the streets of Havana in irons, and has been ordered to the chain-gangs at Ceuta, on the coast of Africa.

May I beg the favor of some information from the Department about his case?

Respectfully, your obedient servant,

J. G. HOUARD, M. D.,
402 *South Broad Street.*

Hon. HAMILTON FISH,
Secretary of State, Washington.

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* See Mr. Fish to Mr. Colfax, No. 36, page 28.

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[Inclosure *a*.]

Certificate of Mr. Morris.

UNITED STATES CONSULAR AGENCY,
Cienfuegos, March 4, 1872.

I, M. H. Morris, United States consular agent for this port, do hereby certify that on the 25th day of November, A. D. 1870, personally appeared before me John Emilio Houard, physician, and declared himself a citizen of the United States of America, having been born in Philadelphia, Pennsylvania.

Witness my hand and seal of office the day and date first above written.

[SEAL.] M. H. MORRIS,
United States Consular Agent.

[Inclosure *b*.]

*Statement of the provisions of Spanish law.**

In order to know whether the son of a foreign resident settled at Cienfuegos is a Spaniard, it is necessary to consider the provisions of the royal decree in relation to settlers in the island of Cuba, of October 21, 1817, as contained in the following articles:

ART. 2. The governor shall receive the oath of allegiance and vassalage from foreigners who shall be admitted according to the provisions of the foregoing article, and in which oath they are to promise to obey those laws and general orders for the Indies, to which Spaniards are subject.

ART. 3. At the expiration of *the first five years* from the settlement of foreign emigrants in the island, provided they then pledge themselves to remain there permanently, they shall enjoy all the rights and privileges of naturalization; the same rights and privileges shall also be enjoyed by such children as they may have brought with them, or as may have been born to them in the island, in order that they may hold civil or military offices of honor, according to the talents and capacity of each one.

ART. 5. During *the first five years* Spanish and foreign settlers shall be at liberty to return to their respective countries or former residences, and in *this case* they shall be permitted to remove from the island such property as they may have brought with them, duty free; but they shall forfeit 10 per cent. of such property as they shall have acquired during the time aforesaid.

ART. 13. Foreigners returning to this island with the intention of settling there, before proving that they profess the Roman Catholic religion, shall report to the government what profession or honest and useful trade they intend to carry on, and what property they bring with them, which they may remove duty free if during the first years they may determine to return to their country or former residence.

ART. 14. The government having certified to the possession of the necessary requisites on the part of the settler, a record shall be kept, in a suitable book, of his name, country, family, profession, or trade, of the district in which he is to settle, and of the property which he may have declared to belong to him, and a certificate of residence shall be delivered to him after he shall have taken the oath of allegiance and vassalage.

ART. 15. A record shall be kept, in the royal bureau of accounts, of all certificates of residence, and likewise of all properties, in case it may be desired to remove the same; a record shall also be kept of the municipal board of the district, and by the lieutenant, sub-delegate, and judge of the district where the immigrant is to settle, without any costs or charges to him therefor.

ART. 16. Certificates of residence (*cartas de domicilio*) shall authorize foreign settlers to be considered as *inhabitants* of the island, and their persons and property shall be as inviolable as those of the former inhabitants. From the judges they shall receive due treatment and upright administration of justice; and from the other inhabitants such aid and favor as their qualities and good conduct may deserve; they shall likewise enjoy the right of appeal to the government, and shall be sure of its protection in case of any injuries being done them.

ART. 24. At the expiration of the *five years*, foreign settlers desiring to become naturalized shall apply to the government, with their certificate of residence, and shall declare that they pledge themselves to remain permanently in the island. The government shall make due inquiry, and if they shall appear to possess the necessary good qualities, to have resided continuously for *five years* in the island, to be possessed of real estate, and to be engaged in any industrial pursuit, they shall be allowed to take

* For another translation of this paper see inclosure to No. 41, *post*.

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the *oath of naturalization*, in which they shall promise fidelity to the Catholic religion, to the King, and to the laws, renouncing every right, privilege, and protection of foreign citizenship, and pledging themselves to maintain no dependency upon, relation with, or civil subjection to the country of their birth. This shall not, however, comprise domestic relations or family correspondence, or the management of property or interests, which may be maintained by any resident foreigner, in accordance with the provisions of the royal decree and instruction of September 2, 1791, and subsequent circulars.

ART. 26. Naturalized foreigners shall enjoy all the rights and privileges of Spaniards, as shall also their children and legitimate descendants, according to article 15.

The foregoing are substantially the provisions which are applicable to foreign settlers established in the island of Cuba. As regards the general condition of foreigners in Spain, law No. 7, page 14, book 1st, of the latest collection of the statutes, says that natives are those born in Spain of Spanish parents, and the children of *foreigners who have been domiciled* in Spain for the space of *ten years;* likewise those born in foreign countries of Spanish parents residing abroad accidentally or in the service of the King, but without any *intention* of changing their *nationality*.

Foreigners are classified in Spain as *naturalized*, *resident*, and *transient*.

The first are those who, according to the political constitution, have obtained certificates of naturalization.

Residents are in the same category as Spaniards.

Those who have established their domicile anywhere in the monarchy are considered as *residents*.

Likewise those who apply for and obtain the quality of residents in any town of the same.

Likewise those who marry Spaniards and live domiciled in Spain; and if the woman is a foreigner, she becomes, by the act of marrying, subject to the same laws and acquires the same domicile as her husband.

Likewise those who become permanent residents by the purchase of real estate.

Likewise those who reside for *ten years in any town*, provided that they do not maintain allegiance to the flag or consulate of their nation, and have taken no steps for such consulate.

Likewise such as acquire naturalization or residence by any other sufficient title, according to law.

The quality of *residents* in foreigners must be obtained by the general enrollment of all individuals of foreign origin, residing in the kingdom, made in due form of law.

Any foreigner desiring to become a resident of Spain must take the oath of fidelity to the religion, to the King, and the laws, renouncing every right and privilege of foreign citizenship, and all protection conferred by the same, declaring that he will maintain no dependence upon, or civil subjection to, the country of his birth. *Transient* foreigners are those who visit Spain with no intention of remaining there, and the prolongation of their stay, sometimes indefinite, does not change their transient character, but, according to the law already quoted, a foreigner who resides for a long term of years in Spain is not considered a resident (*arecindado*) if he maintains his allegiance to the flag or consulate of his nation.

It is proper to consider that the law regards becoming a resident as a *voluntary act* on the part of the foreigner; likewise his residing *transiently*, on condition that in the latter case he is not to enjoy the advantages and rights of the residents and inhabitants of the kingdom. This liberty, which was left by an ancient law, has been confirmed by an explanation of the government, since, in consequence of a complaint made by the embassy of France, the minister of state, in a note addressed to the said embassy under date of May 28, 1837, declared that the statement in paragraphs 1 and 4 of the constitution, that all persons born in Spain are Spaniards, and likewise *foreigners* who have gained a residence in any town of the monarchy, *is in the sense* of conceding to both a privilege and a right, *not* in that of imposing an obligation upon them or to *force* them to be *Spaniards* against their *will* if, having the right of citizenship in another country, they prefer it to the one acquired in Spain. Although a foreigner is free to acquire residence or to remain transiently, he must make his choice known, together with the conditions to which he subjects his residence. The resident (*avecindado*) takes the oath which has already been described, but the transient sojourner (*transeunte*) only takes an oath of submission and obedience to the King and to the laws. According to the sense of the law, and the practice which is observed, foreign wholesale merchants are now considered as transient residents, notwithstanding their long residence in the peninsula, and transient residents are no longer prohibited from practicing those trades and professions which the laws *formerly* reserved for native and domiciled residents. On this principle the royal order of August 11, 1837, permitted foreigners temporarily residing in the country to practice the liberal arts, mechanical trades, and to do business as retail merchants even without obtaining the quality of residents, (*arecindados*,) provided they obtained a license from the political chief and paid the industrial subsidy. Moreover, article 19 of the Commercial Code provides that foreign-

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ers who have not become legally naturalized or domiciled may carry on trade in Spanish territory according to the rules agreed upon in the treaties in force with their respective governments.

According to the provisions which have been copied, a negative reply may be made to the question relative *to the son of a foreigner* who came as a settler to the island of Cuba, since the conditions and requisites are clearly laid down, without which he who has not complied with them on account of being unwilling to lose his primitive nationality is not considered as a native or a Spaniard.

No. 41.

Mr. Torbert to Mr. Hale.

No. 50.] UNITED STATES CONSULATE GENERAL,
Havana, March 16, 1872. (Received March 25.)

SIR: I have the honor to acknowledge the receipt of Department dispatch No. 33, of March 6, 1872, and Department circulars Nos. 18 and 19.

I inclose herewith a copy (and a copy translation of the same) of the views of a prominent lawyer of Cienfuegos in regard to the laws touching naturalized Spaniards, and under which Dr. Houard's case naturally comes. On the 14th I sent the following telegraphic dispatch, in cipher, to the Secretary of State: "Houard embarks for Spain to-morrow;" and I have now to say that he did embark yesterday, the 15th, for Cadiz, to be sent to Ceuta, opposite Gibraltar.

I am, &c.,

A. T. A. TORBERT.

Hon. CHARLES HALE,
Assistant Secretary of State.

[Inclosure.—Translation.]

HAVANA, *March* 16, 1872.

In order to ascertain if the son of a foreign colonist, settled in Cienfuegos, is a Spaniard, we must bear in mind the dispositions of the royal *cedula* for the colonization of the island of Cuba, dated 21st October, 1817, contained in the following articles:

ART. 2. To those foreigners who may be admitted agreeably to the preceding article, the governor shall administer an oath of fidelity and vassalage, in which they shall offer to conform to the laws and general orders of the Indies, the same to which all Spaniards are subject.

ART. 3. After the expiration of five years from the settlement of foreign colonists in the island, and binding themselves to remain perpetually in the island, they will be granted all the rights and privileges of naturalization, to them as well as to their children, which they may have carried with them, or which may be born in the island, in order to be admitted to the honorable employments of public welfare and militia, according to their talents and capacities.

ART. 5. During the first five years the Spanish and foreign colonist shall be at liberty to return to his country or former residence, and in this case shall be permitted to take away from the island the property or goods he may have brought with him, without paying any export duties, but a charge of 10 per cent. upon the value of the property acquired during residence in the island.

ART. 13. Foreigners who again return to this island with the intention of settling, besides proving that they profess the Roman Catholic religion, shall state to the government the profession or honest and useful occupation they intend to follow, and the goods, property, or treasure which they introduce, and can again take away free of duty provided they wish to return to their homes or former residences within five years.

ART. 14. After the admissible conditions of the colonist are qualified by the goveru-

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ment, his name, country, family, trade, or profession, district where he settles, property he possesses, shall be entered in a book of registry, and after taking the oath of fidelity and vassalage, he will receive a letter of domicile.

ART. 15. These domiciliary letters must all be noted at the royal auditor's office, expressing each the goods or property each colonist manifests, of which record must be kept, in case of the property, &c., being taken away from the island, and the *ayuntamiento* or city council, and the judge of the district where the colonist resides, shall also take note of the letter of domicile, but without these measures incurring any expense to the colonist.

ART. 16. These domiciliary letters authorize foreigners to be considered as residents in the island, and their persons and property enjoy the same inviolability as those of the original inhabitants. From the judges they shall receive fair treatment and strict administration of justice, and from other residents the aid or favor which they may deserve by their good conduct, fulfilling all their duties to the government, and secure of its protection if they receive any insult or injury.

ART. 24. At the expiration of the five years, in case the foreign colonist desires to become naturalized, he shall apply with his domiciliary letter to the government and state that he binds himself to reside continuously in the island. The government will make the necessary inquiries, and having proved to be satisfactory the inquiries concerning his good behavior, five years' continual residence, industry, &c., shall permit him to take the oath of naturalization, in which he promises fidelity to the Catholic religion, the king, and the laws, renouncing all claim, right or privilege, and protection as a foreigner, and declaring that he will hold no dependence, relation, or civil subjection to the country of his birth—it being understood that this renouncement does not affect the domestic and business ties with his country which any resident foreigner may hold, in conformity with the royal order and instructions of the 2d September, 1791, and later circulars.

ART. 26. Naturalized foreigners, as well as their children and legitimate descendants, shall enjoy all the rights and privileges of Spaniards according to article 15.

This is substantially the law to be applied regarding foreign colonists settled in the island of Cuba.

Touching the general condition of foreigners in Spain, the 7th law, title 14, book 1st, of the latest abridgment, (*Novisima Recopilacion,*) says: "Natives of Spain are considered to be those born in Spain of Spanish parents and the children of foreigners domiciled in Spain for the space of ten years, and those born abroad of Spanish parents who accidentally or while on service to the king reside out of the kingdom, but without any intention to change their nationality."

Foreigners in Spain are classified as naturalized, resident, and transient. The first-named are those who regularly take out naturalization papers. The second are in the same category as the Spaniards, and are those who take up their residence in any part of the kingdom; those who ask for and obtain residence in any town; those who marry Spanish subjects and live domiciled in Spain; and, if the wife is a foreigner, by the mere act of her marriage she abjures all her right and title to her former citizenship; those who establish themselves by purchasing property and lands; those who reside ten years in any dwelling, provided they are not under the flag or protection of a consulate, or have made no effort to obtain such protection; those who acquire naturalization or residence by any other title sufficient to conform to law.

The condition of *resident* in a foreigner results from the general register made of all persons resident in the kingdom of foreign extraction, made in conformity to law. The foreigner who wishes to become a *resident* in Spain must take an oath of fidelity to the religion, king, and laws of the country, renouncing all rights, privileges, and protection as a foreigner, and promising to accept no dependence or civil subjection to the country of his birth.

Transient citizens are those who arrive on their way elsewhere, without any intention to remain in the country, and the prolongation of their stay, sometimes indefinite, does not affect their *status* as transient, because, according to the law already cited, the foreigner who resides any length of time in Spain is not considered a resident, provided he still holds to the protection of his flag or consulate.

It must be kept in view that the law supposes a voluntary act in the foreigner to take up his residence, or reside as a transient citizen, on condition, in the latter case, that he cannot enjoy the advantages and privileges of the residents and citizens of the kingdom. This liberty, allowed by the ancient law, has been explained by the government, as in consequence of a claim established by the embassy of France, the minister of state, in a note addressed to the embassy, on the 28th of May, 1837, declared that in stating, in the first and fourth paragraphs of the constitution, that all persons born in Spain are considered Spaniards, and also those foreigners who have acquired residence in any part of the kingdom, it must be taken in the sense of conceding a power or right, and not as imposing an obligation or forcing them to become Spaniards against their will, if also holding the right of nationality in any other country should proscribe their acquisition of it in Spain.

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Although the foreigner is free to acquire residence, or remain as a transient resident, he must state his choice and accept the conditions to which his residence is subject. The *resident* foreigner must take the before-mentioned oath, but the *transient* one has only to submit in obedience to the laws and the king. By the interpretation of the law and present practice, all the principal foreign merchants, notwithstanding their long residence in the peninsula, are considered as transient; and prohibition to engage in any trade, art, or profession, which the law formerly reserved for the domiciled or native residents, does not now apply to the transient foreigner; and on this principle the royal order of August 11, 1837, permitted transient foreigners to exercise the liberal arts and mechanical trades, and retail-merchant business, even without domiciling themselves, provided they obtain the necessary license from the proper authority and paid the usual taxes; and also, Article 19 of the Commercial Code orders that foreigners who have not obtained naturalization, nor legal domicile, can engage in commerce in Spanish territory under treaty regulations existing between their respective governments.

By these regulations, above copied, it can be decided negatively, the question relative to the son of a foreigner who came to the island of Cuba as a colonist, as all the conditions and requirements, without full compliance with which no one is considered as a Spaniard, who, for not wishing to lose his primitive nationality, fails to comply, are been explained as fully as could be desired.

No. 42.

Mr. Hale to Mr. Torbert.

No. 37.] DEPARTMENT OF STATE,
Washington, March 20, 1872.

SIR: * * * * * * *

The case of Dr. Houard has been made the subject of instructions to the *chargé d'affaires* of the United States at Madrid.

I am, &c.,

CHARLES HALE,
Assistant Secretary.

No. 43.

Mr. Fish to Mr. Adee.

No. 65.] DEPARTMENT OF STATE,
Washington, March 26, 1872.

SIR: In continuation of the subject of the instruction No. 58, addressed to you under date of the 9th instant, with reference to the case of John Emilie Houard, I now inclose copies of an affidavit* by Mr. Fox, late consular agent of the United States at Cienfuegos, and of an official certificate† from Mr. Morris, the present consular agent at that place, from which it would appear that Dr. Houard declared himself a citizen of the United States, and was registered as such in the books of the consular agency of the United States at Cienfuegos as early as the latter part of 1868 or the beginning of 1869, and again 25th November, 1870.

You will make use of these papers in pressing the case of Dr. Houard upon the attention of the Spanish government.

In recurring to the subject you will not fail to point out the apparent violation of our treaty with Spain, by the Spanish authorities in Cuba, trying Dr. Houard by an extraordinary tribunal, and in refusing to give this Government an account of the proceedings of that tribunal.

I am, &c.,

HAMILTON FISH.

A. A. ADEE, Esq., *&c., &c., &c.*

*For inclosure see *ante*, No. 30, page 23. †For inclosure see *ante*, No. 40, page 33.

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DR. J. E. HOUARD.

STATEMENT

FROM

DR. JOHN G. HOUARD, OF PHILADELPHIA,

RELATIVE TO

The arrest, trial, and conviction of Dr. John E. Houard by the Spanish authorities in the island of Cuba.

APRIL 8, 1872.—Referred to the Committee on Foreign Affairs and ordered to be printed.

CASE OF DR. HOUARD.

PHILADELPHIA, *April* 3, 1872.

Louis Houard, the father of Dr. Houard, came to Philadelphia, from France, in 1795. He was naturalized in 1803, not 1813, as stated in the correspondence of the State Department, (the certificate from the court has been sent to the Secretary of State;) he continued to reside in Philadelphia until about 1822, when he went to Cuba, taking his family with him. In his feelings and sympathies, as well as in fact, an American citizen, he settled at Cienfuegos, in what is known as American business, and continued shipping the products of the island to this country, and receiving consignments from here, to the day of his death in 1828. He lived at Cienfuegos as an American, was so considered by all who knew him, and all his associations were those of an American. It has lately been alleged that he held some office under the Cuban or Spanish government, but there is no truth in the assertion; if any *bona fide* record exists of his having been appointed to office, it is certain he never accepted or undertook to discharge the duties of any such office; his advanced years, business occupations, including several visits made by him to the United States between the years 1822 and 1828, and exclusively foreign associations, negative the idea that he could have been considered an appropriate person to appoint to such an office. He continued to the day of his death so completely a foreigner in Cuba, and so entirely unsuited to hold any local office, that he never even acquired the Spanish language. His personal intercourse at Cienfuegos was almost exclusively with Americans and other foreigners; when he had business with natives he was obliged to avail himself of an interpreter to transact it. His sons and daughters were educated in the United States, but Mrs. Houard having left some property in Cuba, his family, or some of them, remained there for a time after his death, and some of them married there.

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John Emilio Houard, the Dr. Houard in question, brother of Dr. Houard, of Philadelphia, who makes this statement, was born in Philadelphia, September 5, 1815. This certificate of his baptism at one of the churches in Philadelphia, on November 16, 1816, has been furnished to the State Department. He was educated in the United States, and graduated from the Jefferson Medical College, in Philadelphia, in 1844, after which he went to Cuba, submitted himself to the examination required of all foreign doctors before being allowed to practice medicine in Cuba, and settled in Cienfuegos, where he practiced medicine, and afterward married.

He always claimed to be and was recognized by all who knew him as an American citizen. In 1868, or early in 1869, on the first apprehensions of political difficulties, several Americans, among them Dr. Houard, applied to the United States consul at Cienfuegos to be enrolled and have certificates issued to them as American citizens.

The affidavit of Charles Fox, then United States consular agent at Cienfuegos, to that effect, has been sent to the Department of State. In that affidavit Mr. Fox further states that he knew Dr. Houard well; that "he never knew him to act or talk otherwise than as a *bona fide* American citizen;" that "he was generally known as an American citizen;" that "he was one of several Americans who signed an application to me (the consul) to have an American man-of-war sent to the port of Cienfuegos for the protection of the lives and properties of American citizens," and finally, that he "never had any knowledge, information, or intimation of his taking any part whatever in political matters in the late disturbances in Cuba."

The Spanish minister, it seems, informs the Secretary of State that Dr. Houard is considered to have no right to claim American citizenship, because, "in addition to the fact that his father renounced his character as a foreigner, by accepting the office of police commissioner, the circumstance of his being provided with a certificate of residence as a Spanish citizen at the time when the law in relation to foreign citizenship, of July 4, 1870, was published in the *Gaceta de la Habana*, and that having failed to comply with the requirements of the law, it would seem clear that Dr. Houard was not considered an American citizen."

The copy of the law of July 4, 1870, said to have been published in the *Gaceta de la Habana*, (*when*, it is not stated,) is as follows: "Any foreigner residing in a Spanish colony must, in order to be considered as such, in accordance with this law, have his name enrolled in the list of foreigners, which shall be kept by the superior civil governor, and in that of the consulate of his nation."

Answering these assertions in the order they are made:

First. Dr. Houard's father never did renounce his American citizenship and never did accept the office of police commissioner. Neither he nor his friends are accountable for what the records of any office in Cuba may be made to say on the subject of his having been appointed to such an office. But no one can truthfully assert that he ever *accepted* such office. While the idea that a man who first visited Cuba in advanced life, spent there only part of the last six and a half years of a long life, during which he was constantly occupied by private business, and never even spoke the language of the country in which he died a stranger as well as a foreigner, renounced his foreign citizenship for the purpose of accepting the office of police commissioner, is so preposterous, that no better evidence of the weak and desperate character of the cause, to support which such an assertion is deemed necessary, could well be adduced.

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But, supposing it were the case that the father of Dr. Houard was in fact a Cuban policeman in his old age, with or without an interpreter to aid him in the discharge of his duties as such, and that to qualify himself for that important office, he had renounced his right of citizen of the United States, how would that affect Dr. Houard? Would he, in case of his return to Philadelphia, where he was born at a time that his father was a naturalized citizen of the United States, be obliged to become naturalized in order to regain his birthright? To assume that such would be the case seems about equally reasonable with the assertion that Dr. Houard's father was in fact a Cuban policeman in his old age. It is confidently submitted that neither under the law of the United States, nor that of any other civilized country, can a native-born citizen be deprived of his rights as such, by reason of his father having had the honor, or having committed the folly, be it which it may, of becoming a policeman under the Spanish colonial government of Cuba.

The writer, son of the same parents as the Dr. Houard in question, has exercised the rights of a citizen in his native city of Philadelphia for many years past without question or suspicion on his part that it could be questioned.

Second. As to Dr. Houard's having been provided with "a certificate of residence as a Spanish citizen." The assertion is unfounded in fact. It is no doubt true that he had a "*cedula de vecindad*," but no one acquainted as well with the Spanish language and customs, as also with the English words used, can honestly consider the English words above quoted a correct translation of the Spanish, or fail to understand the difference between the ordinary police certificate of residence which the local constable or parish policeman issues alike to *all residents* within his district or parish, whether native or foreign, with a certificate of Spanish citizenship. Prior to 1871 these "*cedulas de vecindad*," literally translated "certificates of residence" in Cuba, were of the same form whether issued to a Spanish subject or resident foreigner. Since about the middle of 1871 they have been made in different form for foreigners from that used in the case of Spanish subjects, but still are, in either case, only police certificates, showing the local residence of the person carrying them. In the *cedula de vecindad* Dr. Houard had, his name was inserted as a *native of the United States*, in the form then usual. But besides this *cedula*, Dr. Houard had with him on his person at the time of his arrest a certificate of his American citizenship, the record of which is believed to be at the consulate at Trinidad, and has been sent for. Of this fact our State Department has been informed, and it is rather strange that, while appearing to attach so much importance to the *cedula de vecindad*, an importance which all intelligent Spaniards must know not to be legitimately due to it, as well the Secretary of State as the Spanish minister overlook the certificate of nationality that Dr. Houard carried with him at the very time of his arrest.

Third. Lastly, it is charged that after publication of the law of July 4, 1870, in the *Gaceta de la Habana*, Dr. Houard did not enroll himself as required by that law. This charge is equally unfounded with all the rest. When this law was published in Havana is not stated, and is not known to the writer. It appears from the text of the seventh article, of which the Spanish minister sends a copy, that the law is applicable to all Spanish colonies, showing it to be a law enacted by the home government, and may be assumed to have reached Havana some time in the fall of 1870. Dr. Houard actually registered himself at the consulate at Cienfuegos on the 25th day of November, 1870, which is as soon as it is at all probable that the Havana publication reached Cienfuegos.

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The certificate of M. H. Morris, esq., consul at Cienfuegos, of this registry, is at the State Department, though it happens to be also overlooked in what purports to be a statement of facts by the Secretary of State in his letter to Vice-President Colfax. Whether Dr. Houard's name is or is not enrolled "in the list of foreigners which shall be kept by the superior civil governor" we neither know nor care. It is to be presumed that Consul Morris sent the list of Americans registered at his office to the proper local magistrate, and, if so, the name of Dr. Houard should be found on all lists of foreigners made from it, whether by the superior civil governor or any other dignitary. If, however, the life and fortune of Dr. Houard depend on what the records kept by Spanish employés may be made to show to have been done or left undone by them, the attempt to protect either would be hopeless. To protect his life and fortune from the consequences of the impositions practiced with apparent success by these foreign officials is, unfortunately, the duty which existing circumstances devolves on his friends.

In the letter of the Secretary of State it is said that "Dr. Houard has resided in Cuba the greater part of his life, practicing his profession as *a citizen* and surgeon." If by practicing his profession as "a citizen" it is intended to imply that he did so as a Spanish subject, or so-called Cuban citizen, the statement is unwarranted and unjust. By reference to the documents in his office the honorable Secretary has learned that Dr. Houard has always passed for and lived as an American, that his practice has been principally among his own countrymen and other foreigners. On the other side, the letter continues, "He *or* his father enjoyed what were supposed to be certain privileges, to which was attached the right to become Spanish subjects." What is meant by this, or what the assertion is based on, it is difficult to imagine, unless the Secretary has so far been imposed upon as to assume as an admitted truth the false assertion that the father of Dr. Houard had been a Cuban policeman, and therefore entitled to become a Spanish subject; but if this were so, it would not affect Dr. Houard, whether it was he *or* his father that was supposed "entitled to enjoy" the great privilege referred to would seem a somewhat material question. The letter proceeds, "But Dr. Houard declares that he never *formally* accepted such nationality, and never renounced his nationality as a citizen of the United States." Neither Dr. Houard or any friend of his has ever declared that he never *formally* accepted such nationality. In his name his friends most earnestly protest against such a statement, and challenge the production of an item of evidence showing that he ever did, wrote, or said anything in the course of his life tending to show that he did not intend to live and die an American citizen.

The letter continues: "Two married sisters of Dr. Houard have always been residents of Cuba, and three of his nephews were officers of the patriot or insurrectionary army. It can scarcely be denied that these circumstances, in some degree, justify the Spanish authorities in regarding Dr. Houard as subject to their jurisdiction, since, on the other hand, nothing whatever is brought forward in his behalf to illustrate or prove his assertion at any time of American citizenship. For instance, it does not appear that he interested himself, as did so many citizens at home and abroad, in behalf of the Union cause during our own war; that he offered his services as surgeon in our volunteer army; that he subscribed to any of the war charities; or that he paid at any time income tax or other tax to the United States, or ever did any particular thing tending to show the Spanish authorities that he did not consider himself a Spanish subject, or to show this Government that he did

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regard himself a citizen of the United States until his recent misfortune occurred."

Whether two of his sisters, or only one, are residents of Cuba, might be considered immaterial, but as the Secretary makes the statement to "justify the Spanish authorities in regarding Dr. Houard as subject to their jurisdiction," it is but proper to say that he has been misinformed as to the fact. But one of his sisters resides in Cuba; his other married sister resides in the city of Philadelphia, where she has resided for more than thirty years past. The charge that three of his nephews were officers in the insurgent army is true. But as the only question at present is one of the *nationality* of Dr. Houard, and not of the criminality or otherwise of the act of his nephews, admit the act charged against these young men to be indefensible, yet there are other matters connected with them, more pertinent to be referred to, as bearing on the nationality of Dr. Houard and his family than the fact of their having joined the ranks of the so-called patriot army. Among these are the facts that two of them were American citizens, and have lived in the United States during the greater part of their lives; that all three have represented the United States as consuls in different parts of Cuba; that one of them, Frederick C. Cabada, who was lately taken prisoner and immediately executed by the Cuban authorities, was lieutenant colonel of the One Hundred and Fourteenth Pennsylvania Volunteers, fought for his country during the whole of her struggle for life, was taken prisoner at Gettysburgh, spent many months at Libby prison, lost his health there, and yet, on being released, again went into active service and continued to fight for his country until the end of the war; and that another of these nephews, now deceased, also volunteered, and creditably served his country on General Humphreys's staff during the greater part of the war. It may be also proper to add that two other nephews of Dr. Houard, Lewis and Edward Houard, sons of the writer, served in the Union Army.

Dr. Houard, now over fifty-seven years of age, did not himself volunteer, but it is a fact known to all who knew him, that he was enthusiastically a Union man throughout the whole war. To what charities he may have subscribed the writer does not know; it has not occurred to him or to his friends that it might become necessary to furnish proof on this point in order that Dr. Houard might have the protection of his country's Government, but as he was a man of liberal views, it would no doubt be found, if inquired into, that he was charitable in proportion to his means. He certainly was most decided in the expression of his views in favor of the Union cause at all times. It is very probable he did not pay income tax. Few Americans residing abroad during the war, and having no property in the United States, did so, or supposed themselves called on to do so. Had the State Department caused our consuls abroad to inform the Americans within their respective jurisdictions that such payment was expected of them, it might have been otherwise. Such, however, was not the case, at least at Cienfuegos.

Though the acts of some of Dr. Houard's nephews, in joining the insurgent army, cannot properly be considered as to any extent excusing, much less justifying, the Cuban authorities in regarding Dr. Houard as subject to their jurisdiction, it naturally caused him to be suspected, and on a small box containing homœopathic powders, and marked with his name, being found in possession of an insurgent officer, Dr. Houard was, in December, 1870, arrested. This box the Secretary of State dignifies by the name of a "medicine-*chest*," and adds that "from other evidence it appears this was not the only instance, but that another

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chest marked with his name, and admitted to have once belonged to him, was found in another captured camp."

What this "other evidence" is the writer has no idea; he never heard of any such charge, save from the letter of the Secretary of State. The box, the finding of which caused his arrest, was one of several boxes containing homœopathic medicines, which Dr. Houard imported from Philadelphia a considerable time before the breaking out of the insurrection, and sold in Cuba. The one in question was sold to Felix Bouyon, then in the employ of the Spanish government, but who afterward, on the breaking out of the insurrection, joined the insurgents.

These facts can be readily proved, and were proved by Dr. Houard, who did not depend on a "mere declaration that the *medicine-chest* had been parted with previous to the outbreak of hostilities." The very fact that his name in full was on the box is conclusive proof that it was not parted with under circumstances requiring secrecy or supposed to involve danger. The writer hereof is prepared at any time to prove that some years before the insurrection his brother, Dr. Houard, sent for a box of medicine ordered by Felix Bouyon, in pursuance of which a box—no doubt the box in question—was sent by the writer to Dr. Houard, with the name of the latter on it, as usual.

The only other charges made against Dr. Houard, that he or the writer ever heard of, were one communicated to him three or four months after his arrest, that he had had communications with his nephew, Cabada, about the time the insurrection broke out, and some twenty months before his arrest.

The charge was made on the statement of a servant of Cabada, who, after the doctor's arrest, endeavored to extort money from his family; and failing to do so, trumped up this false and entirely trifling charge. The other charge was, that he attended a banquet, held by insurgents and insurgent sympathizers, as to which Dr. Houard proved that at the time he was many miles distant from the place where the banquet was said to have been held, and it further appeared that no such banquet was ever held.

No doubt Dr. Houard would have been released from prison, instead of undergoing the form of trial by court-martial, in December, 1871, but for the fact that he was an American, and had claimed protection as such from the time of his first arrest. In consequence of this claim, it was supposed necessary to have the form of an adjudication to the effect that he was guilty, and was not entitled to claim to be an American citizen, in order to prevent his prosecuting a claim for damages for false imprisonment before the joint commission at Washington. Hence Dr. Houard was tried, or something of the form of a trial was had; four witnesses were examined, whose testimony was well known to be unworthy of credit; three were of notoriously bad character, the only one having any pretense to character being Manuel M^{a} Capote, who since his escape from Cuba, has made a formal affidavit, which has been furnished to the State Department, to the effect that he was compelled to testify as he did under the fear of loss of life if he refused, and that his testimony was all false. This may be called "an *ex parte* declaration of an untrustworthy witness;" still it is the declaration of the principal witness on whose testimony Dr. Houard was sentenced to eight years hard labor in the chain-gang, and the confiscation of all his property; a sentence worse than mere death, being, in the case of such an old man entirely equivalent, if carried out, to death by slow torture.

The Spanish authorities have, up to this time, refused to furnish copies of the proceedings of the court-martial. When furnished they

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will be such as they consider most suitable to their purpose. No one who knows anything of the proceedings of Cuban authorities and courts-martial will consider this an unwarranted statement; those who have no special knowledge on the subject have only to recall the public occurrences at Havana, not far from the same date of this court-martial, where a number of children were accused of violating the grave of a volunteer, by breaking the monument or tomb. The unbroken monument and uninjured grave remaining conclusive proof that none of them were guilty of what had in fact never taken place, and that at most the children had committed a fault deserving reprimand, yet a court-martial, composed of the highest military officers, held the same evening that the charge was made, acting under the pressure of the threat of personal violence, determined to murder several of the children that very night, under the form of judicial execution, and selected by lot the victims against whom a judgment should be first rendered as part of the formal justification of the murder.

Must a native-born American citizen, of whose nationality there is not a particle of doubt, based on any truthful testimony, or on any testimony not coming from Spanish officials, suffer worse than death, because of the decree of such a court-martial?

JOHN G. HOUARD, M. D.,
No. 402 South Broad Street, Philadelphia.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 224.

ROUND VALLEY INDIAN RESERVATION.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

A resolution of the House of March 18, 1872, *relative to the extension of the Indian reservation known as the Round Valley Indian reservation, in the State of California.*

APRIL 2, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, April 1, 1872.

SIR: On the 18th ultimo this Department received a resolution of the House of Representatives, in the following words, viz:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish to this House copies of all the papers, and any information he may have, relating to the extension of the Indian reservation known as the Round Valley Indian reservation, in the State of California, over the lands claimed by the settlers in Round Valley, Mendocino County, California.

I have now the honor to transmit herewith a copy of a report, dated the 30th ultimo, from the Commissioner of Indian Affairs, together with the papers accompanying it, called for by said resolution.

Very respectfully, your obedient servant,

C. DELANO,
Secretary of the Interior.

Hon. J. G. BLAINE,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, January 29, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, inclosing a letter from Hugh Gibson, esq., United States agent at Round Valley Indian reservation, in California, in relation to certain matters concerning his agency, and requesting to be furnished with any information in the possession of the Department concerning the same.

Round Valley was first selected for Indian purposes by Superintend-

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ent Henley, in 1856, and in letter addressed to him from this office, dated November 18, 1858, he was by order of the Secretary of the Interior directed to give public notice that the entire valley was set apart and reserved for Indian purposes. In letter dated January 6, 1860, from this office to the General Land-Office, after reciting the facts in regard to this reservation, it was stated that they were deemed sufficient to show that Round Valley had been duly set apart and recognized by the Department as an Indian reservation, and the Commissioner of the General Land-Office was therefore requested to respect the same upon the books of that office, and to notify the local office in California accordingly. May 3, 1860, the surveyor general of California, acting under instructions from the General Land-Office, reported a survey of the boundaries of said reservation.

In a communication dated June 21, 1860, the General Land-Office inclosed to this office a plat of said survey, certified by the surveyor general of California, under date of May 4, 1860, which shows the reservation as surveyed to be situated partly in townships 22 and 23 north, of ranges 12 and 13 west, of the Mount Diablo meridian, and to comprise 25,030.8 acres.

On the 27th of October, 1863, C. Steele, esq., reported an appraisement of the claims and improvements of the settlers in this valley, the value of the same being placed at $75,000.

By the act of Congress approved April 8, 1864, it was provided—

That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land within the limits of said State, (California,) to be retained by the United States for the purpose of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of said State, and shall be located as remote from white settlements as may be found practicable, having due regard to their adaptation to the purpose for which they are intended: *Provided*, That at least one of said tracts shall be located in what has heretofore been known as the northern district: *And provided further*, That if it shall be found impracticable to establish the reservations herein contemplated, without embracing improvements made within their limits by white persons lawfully there, the Secretary of the Interior is hereby authorized and empowered to contract for the purchase of such improvements, at a price not exceeding a fair valuation thereof, to be made under his direction. But no such contract shall be valid, nor any money paid thereon, until upon a report of said contract and of said valuation to Congress the same shall be approved and the money appropriated by law for that purpose: *And provided further*, That said tracts to be set apart as aforesaid may or may not, as in discretion of the President may be deemed for the best interest of the Indians to be provided for, include any of the Indian reservations heretofore set apart in said State, and that in case any such reservation is so included, the same may be enlarged to such an extent as in the opinion of the President may be necessary in order to its complete adaptation to the purposes for which it is intended.

The action of the Department in establishing a reservation in the Round Valley was recited in a communication from this office to the Department April 6, 1868, and in accordance with Department letter of April 14, 1868, the superintendent was directed to report the boundaries of Round Valley, extended to the summits of the surrounding mountains, accompanied by a plat, in order that the same might be set apart for a reservation, and also to have a valuation made of the improvements thereon in order that the same might be submitted to Congress for approval and an appropriation for payment.

An appraisement of the improvements of settlers in the valley was submitted to this office by late Superintendent McIntosh under date of December 27, 1869, amounting in the aggregate to $109,555.

Superintendent McIntosh also transmitted with his letter of February 18, 1870, the field-notes and plat of survey showing the proposed boundaries of the Round Valley reservation, as extended to the summits of the surrounding mountains.

March 4, 1870, the report of Superintendent McIntosh, together

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with the field-notes and plat of survey, was submitted to the Department, with the recommendation that the President be requested to order to be set apart as an Indian reservation Round Valley, in Mendocino County, California, as the same is enlarged, in accordance with said plat and field-notes.

In reference to the valuation of improvements reported by Superintendent McIntosh, attention was called to the question submitted by the superintendent, as to the settlers who should be regarded as lawfully in said valley, and the directions of the Department were requested, in order that Superintendent McIntosh might be properly instructed in the course to be pursued in making contracts with settlers for the purchase of their improvements upon the reservation.

The executive order for such enlargement was given, pursuant to the foregoing recommendation, on the 30th of March, 1870, and the papers were returned to this office; but no allusion was made to the question submitted in regard to settlers and their improvements.

May 2, 1871, Superintendent Whiting submitted a statement relative to the disputes and conflicting interests of the settlers on the reservation, and requested authority to employ competent counsel to institute proceedings against trespassers.

October 17, 1871, this office addressed a report to the Department, wherein, after reciting the facts in the case as reported by the superintendent, it was recommended that the matter be laid before the honorable Attorney General, with the request that he instruct the United States district attorney for the district of California to institute proceedings against all persons within the valley, in all cases where he should be of opinion that action for trespass could be maintained.

In compliance with such recommendation, the subject was presented to the attention of the honorable Attorney General, who informed the Department in reply, on the 23d October, 1871, that directions had that day been given to the United States district attorney for California as requested.

November 6, 1871, Superintendent Whiting was informed of this action, and certified copies of all the important papers on file in this office relative to the subject were transmitted to him, with directions to render the district attorney all facilities in the prosecution of cases arising under said instructions.

The valley in question is well adapted for Indian purposes, and is almost entirely shut in by mountains. It is large enough to afford ample room for all the Indians in Northern California, or all that can ultimately be located there. If the white settlers can be excluded from the valley, and its entire area be held for Indian purposes, the Indian occupants can, to a great extent, be secured against the corrupting influences which usually surround an Indian reserve.

In conclusion, I will say that this reservation has been set apart by sufficient authority, and the only question which, under existing provisions of law, remains to be determined is the date at which, under the various departmental and executive acts recited, both prior and subsequent to the act of 1864, the entrance of whites into the valley became unlawful; by consequence, which of such white persons found in said valley are entitled to be compensated for their improvements therein.

The letter of Agent Gibson is herewith returned.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. JAMES HARLAN,
Chairman Committee on Indian Affairs, United States Senate.

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OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
San Francisco, California, August 30, 1869.

SIR: I have the honor to call your special attention to the situation of the Round Valley reservation, and to request that I may be fully instructed in regard to that valley, so that energetic measures may be taken to occupy the whole of the valley for a reservation, provided the Government has taken the necessary steps to have it set aside as a reservation.

By referring to the report of the Acting Commissioner of Indian Affairs for the year 1867, you will find on page 120, in Special Commissioner Robert J. Stevens's report to Hon. N. G. Taylor, Commissioner of Indian Affairs, that he (Stevens) reports that Superintendent Henley, in December, 1857, was instructed by the Department to issue a proclamation declaring that the whole of Round Valley would be held by the Government, which was done, and that nothing further was done in the matter up to the close of his superintendency in 1859. The report goes on to say that in 1860 the entire valley was surveyed, and finally reserved for Indian purposes by order of the then Secretary of the Interior, Jacob Thompson, and that these instructions were dated May 3 of that year. As it is now, the Indian reservation is crowded up into the northwestern portion of this valley, and instead of the reservation occupying the whole 25,000 acres for Indian purposes, they only occupy from 4,000 to 5,000 acres; the balance of the valley is occupied and cultivated by the white settlers who have come in and located in this valley. The citizens claim that the proper steps have not been taken by the Government to have this whole valley set aside for Indian purposes; that the President has not signed a bill to that effect, &c. Now, I desire to be informed whether the necessary legal steps have been taken by the Government to have this valley set aside and used as a reservation for Indian purposes. If so, in what manner shall I proceed to eject the white settlers from this valley, so that it may be used in its entirety for a reservation for Indian purposes? Mr. Stevens, in his report, enumerated a number of settlers who had settled in this valley; the most of these settlers still reside there, and many of them assert that they had located themselves in this valley prior to its being set aside as an Indian reservation. There are, at present, two firms located in this valley who sell liquors. I am inclined to think that the Government have been under the impression that this valley is used as a reservation; but instead of that, only a part of it is used for that purpose. The valley is large enough, in my estimation, to take care of all the Indians in the northern part of the State, provided they could have the whole of it, with the Eel River as its boundaries. This river nearly encircles the valley, taking in the inner range of foot-hills. In view of administering the affairs of the Indian Department with as much economy as possible, I would earnestly advise that the Government take immediate steps to get possession of this whole valley; and I would recommend, when that is once done, to do away with the Hoopa Valley reservation, and assemble all those Indians at Round Valley, which, I think, is vast enough to take care of all of them. I beg to be informed at an early day of the decision of the Department in regard to the questions propounded by me, and the manner in which I shall act in this case. The very fact that the Henley brothers, sons of late Superintendent Henley, have located themselves in this valley, having 1,200 acres inclosed, proves to my mind that the settlers have been allowed to settle in the valley with the consent of the former superintendent, Mr. Henley.

I am, sir, very respectfully, your obedient servant,

J. B. McINTOSH,
Brevet Major General U. S. A., Superintendent Indian Affairs.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 12, 1869.

SIR: The proposition contained in your communication of the 7th instant, to issue certain instructions to J. B. McIntosh, superintendent of Indian affairs for California, in regard to the Round Valley Indian reservation in that State, is hereby approved, and you are instructed to proceed in the manner indicated in your letter.

The letter of Superintendent McIntosh is herewith returned.

Very respectfully, your obedient servant,

J. D. COX, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs, October 18, 1869.

SIR: Your letter of the 30th of August last has been received, relative to Round Valley Indian reservation.

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You are informed that the facts relative to this reservation were laid before the honorable Secretary of the Interior by report from this office dated the 7th instant, and that with the approval of the honorable Secretary, in letter to this office dated the 12th instant, you are instructed to report the boundaries of Round Valley reservation, extended to the summits of the surrounding mountains, to include the entire valley, accompanied with plat and such definite description as you may be able to give, that will enable the Department to properly word a presidential order, or to furnish the *data* for congressional legislation. The crests of the mountains will probably be a natural boundary that can be referred to for a great portion of the exterior of the valley, and where the mountains do not form the limits of the reserve, some other natural object can be given, or some line or lines of the Government survey be referred to. The material in the possession of this office does not furnish information enough in regard to the topography of this locality to enable me to give you very specific instructions. The enlargement will require personal inspection.

I send you inclosed a diagram of the survey of said reserve, approved by the surveyor general of California May 4, 1860. This survey was made under instructions based upon the act of Congress approved March 3, 1853, (Stat. at L., vol. 10, p. 238,) which limited the reserve to 25,000 acres. It is therefore probable that there are other surveyed lands within the limits of the valley not shown on this diagram. If you think it necessary, in order to furnish a definite description of the enlargement of the reserve, you can consult the plats of survey in the local land-office at Marysville, and give a description of the surveyed lands added to the reserve; but it is probable that you can definitely describe the enlargement by natural objects.

You will also cause a valuation to be made of the improvements within said valley, of persons lawfully there, and you will, as far as practicable, conclude provisional contracts for the purchase of such improvements, and submit your report of valuation and contracts, carefully prepared in concise and tabular form, to this office, in order that the same may be submitted to Congress for approval and appropriation for payment, in accordance with the provisions of the act of Congress approved April 8, 1864, (Stat. at L., vol. 13, p. 40.)

Instructions similar to these were issued to late Superintendent Whiting, November 11, 1868, but no action under the same has been reported to this office.

For your information I inclose herewith a copy of the report of this office to the honorable Secretary, of the 7th instant, and his reply, dated the 12th instant, which have been referred to.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Brevet Maj. Gen'l J. B. McINTOSH, *U. S. A.*,
Superintendent Indian Affairs, San Francisco, California.

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS, CALIFORNIA,
San Francisco, December 27, 1869.

SIR: I have the honor to report that, in obedience to the instructions contained in your letter of the 18th of October, 1869, I left San Francisco on the 29th of November, and proceeded to Round Valley and caused a valuation to be made of persons having improvements at that locality. The report of those improvements is herewith submitted in detail, by which you will see that they amount in the aggregate to $109,555. It will be seen, however, that a large part of these improvements have been made since the year 1863, when C. Steele, esq., reported an appraisement of the improvements at $75,000. Your instructions directed me to "cause a valuation to be made of the improvements within said valley, of persons lawfully there, and you will, as far as practicable, conclude provisional contracts for the purchase of such improvements, and submit your report of valuation and contracts, carefully prepared in concise and tabular form, to this office," &c.

After having a careful valuation made of these improvements, I found the sum total to be so large that I thought it would be more prudent for me to report the valuation to you before entering into the provisional contracts you had directed. I was also influenced to this decision by the other weighty reasons. One of them was on account of the claims to swamp and overflowed lands. So far as I could ascertain, there are but three such claims in Round Valley. They are owned by C. H. Eberle, who claims 440 acres in section 30, township 23 north, range 12 west; C. H. Bourne, who claims 440 acres in section 25, township 23 north, range 13 west; David Thompson, who claims 200 acres in section 35, township 23 north, range 13 west.

In talking with these gentlemen, they say that after selling their improvements to the Government, they should still hold their claims to the swamp and overflowed lands, from their title derived from the State.

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The object of the Department being to get peaceable possession of the whole of Round Valley, by entering into contracts with the settlers there for their improvements, I did not feel justified in entering into contracts with those parties for their improvements, and allowing them to hold a claim which would enable them to still remain in the valley. In this connection I call your attention to the fact that Round Valley was surveyed for an Indian reservation in March, 1860, and it was not until July 29, 1861, that Joseph J. Cloud, the county surveyor for Mendocino County, surveyed these lands for these parties as swamp and overflowed lands. I believe the claims are a fraud, and should be resisted by the Government. My other reason for not entering into these contracts with the settlers at Round Valley was that part of your instructions which authorized me to make a valuation "of the improvements within said valley of persons lawfully there." Who are lawfully there became an important question to me. I therefore thought it best to have the improvements made in detail, showing each year when the improvements were made, so that the Department could judge as to who were lawfully there. I know they would be much more competent to decide that question than myself. My own view of the case is, that no one is lawfully there who entered the valley after the Government, through its proper agent, gave well-posted notices throughout the valley that they intended to hold that portion of the public domain for Indian purposes, and forbidding the citizens then there to make any additional improvements.

Having these views, and not knowing your views as to who are lawfully there, I thought it best to make the valuations entire, and submit them to you for further instructions, before entering into the provisional contracts you directed. I therefore await your further orders on this subject. The Henley place, you will notice, is valued at $11,000. This place was settled by them while Mr. Henley was superintendent of Indian affairs. He knew the intentions of the Government, and I do not see under what plea he can be entitled to one dollar for his improvements.

As soon as the papers and plat of the extension of Round Valley are prepared, they will be submitted to you. It will be some time, however, before that is prepared.

I am, sir, very respectfully, your obedient servant,

J. B. McINTOSH,
Brevet Major General U. S. A., Superintendent of Indian Affairs.

Hon. E. S. PARKER,
Commissioner of Indian Affairs, Washington, D. C.

Report on the valuation of improvements belonging to settlers at Round Valley Indian reservation, California, made in accordance with letter of instructions from Commissioner of Indian Affairs, dated Washington, District of Columbia, October 18, 1869, by Brevet Major General J. B. McIntosh, United States Army, superintendent of Indian affairs, California.

C. H. Eberle: settled by him in 1860; *consists of* 250 *acres improved.*

Improvements:		Assessed valuation.
1 dwelling-house, built in 1863, valued at	$900	
1 store-house, built in 1860, valued at	100	
1 servants' house, built in 1869, valued at	100	
1 barn, built in 1866, valued at	1,000	
1 granary, built in 1860, valued at	100	
1 chicken-house, built in 1860, valued at	50	
150 fruit-trees, set out in 1867, valued at	200	
75 grape-vines, set out in 1867, valued at	150	
4 miles fencing, valued at	1,700	
		$4,300

C. H. Bourne: purchased by him in 1860; *originally settled in* 1856; *consists of* 450 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1862, valued at	1,200	
1 store-house, built in 1859, valued at	100	
1 barn, built in 1866, valued at	1,000	
1 granary, built in 1864, valued at	100	
1 chicken-house, built in 1864, valued at	50	
1 hog-shed and butcher shop, built in 1863, valued at	50	
100 fruit-trees, set out in 1868, valued at	200	
100 grape-vines, set out in 1868, valued at	150	
5 miles fencing, valued at	2,500	
		5,350

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G. J. Pricing: settled by him in 1863; *consists of* 10 *acres, improved.*

		Assessed valuation.
Improvements:		
1 dwelling-house, built in 1867, valued at	$450	
1 barn, built in 1868, valued at	30	
1 chicken-house, built in 1869, valued at	30	
¼ mile fencing, valued at	230	
30 fruit-trees, set out in 1869, valued at	30	
25 grape-vines, set out in 1869, valued at	30	
		$800

Riley & Bransford: claim no land.

Improvements:		
1 store, built in 1864, valued at	700	
		700

C. H. Eberle: purchased by him in 1869; *originally settled in* 1866; *consists of* 50 *acres, improved.*

Improvements:		
1 house, built in 1867, valued at	190	
1 barn, built in 1868, valued at	30	
¼ mile fencing, valued at	230	
		450

David Thompson: purchased by him in 1867; *originally settled in* 1857; *consists of* 300 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1860, valued at	800	
1 store-house, built in 1859, valued at	50	
2 barns, built in 1861 and 1867, valued at	1,000	
1 granary and hog-shed, built in 1861, valued at	300	
1 corn-crib, built in 1867, valued at	50	
1 chicken-house, built in 1862, valued at	25	
1 well, built in 1860, valued at	50	
3½ miles fencing, valued at	1,750	
100 fruit-trees, set out in 1868, valued at	250	
		4,275

P. K. O'Farrel: purchased by him in 1867; *originally settled in* 1858; *consists of* 150 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1859, valued at	700	
1 granary and wagon-shed, built in 1861, valued at	200	
1 store-house, built in 1863, valued at	100	
1 barn, built in 1859, valued at	150	
1 servants' house, built in 1866, valued at	50	
70 fruit-trees, set out in 1866, valued at	200	
200 grape-vines, set out in 1866, valued at	200	
2½ miles fencing, valued at	1,400	
		3,000

Ira Hoxie: purchased by him in 1869; *originally settled in* 1857; *consists of* 520 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1859, valued at	700	
1 servants' house, built in 1857, valued at	25	
1 store-house, built in 1859, valued at	75	
1 granary, built in 1869, valued at	200	
1 corn-crib and wagon-shed, built in 1861, valued at	150	
2 barns, built in 1867 and 1869, valued at	1,000	
1 hay-shed, built in 1860, valued at	100	
5½ miles fencing, valued at	2,750	
Situated in town:		
1 house, built in 1859, valued at	75	
1 hay-shed, built in 1869, valued at	50	
1 blacksmith-shop, built in 1869, valued at	900	
		6,025

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D. C. Dorman: purchased by him in 1866; *originally settled in* 1859; *consists of* 480 *acres, improved.*

		Assessed valuation.
Improvements:		
1 dwelling-house, built in 1860, valued at	$1500	
1 barn, built in 1862, valued at	1,400	
1 store-house and shop, built in 1862, valued at	250	
1 servants' house, built in 1868, valued at	200	
2 granaries, built in 1866, valued at	400	
1 corn-crib and hay-shed, built in 1863, valued at	50	
1 hay-shed, built in 1863, valued at	50	
90 fruit-trees, set out in 1866, valued at	230	
40 grape-vines, set out in 1866, valued at	80	
5¼ miles fencing, valued at	2 500	
1 store in town, built in 1868, valued at	1,600	
		$8,260

Sanders Hornbrook: purchased by him in 1861; *originally settled in* 1858; *consists of* 150 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1867, valued at	1,800	
1 barn, built in 1865, valued at	300	
1 grain-bin, built in 1866, valued at	100	
1 store-house, built in 1867, valued at	150	
1 chicken-house and wagon-shed, built in 1869, valued at	75	
1 servants' house, built in 1859, valued at	75	
100 fruit-trees, set out in 1867, valued at	200	
2½ miles fencing, valued at	1,050	
		3,750

Smith Gamble: purchased by him in 1863; *originally settled in* 1860; *consists of* 120 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1860, valued at	350	
1 store-house, built in 1866, valued at	150	
1 barn, built in 1864, valued at	60	
1 grain-bin, built in 1866, valued at	25	
1 mile fencing, valued at	415	
		1,000

Isaac Grist: purchased by him in 1866; *originally settled in* 1865; *consists of* 20 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1865, valued at	350	
1 blacksmith-shop, built in 1868, valued at	50	
1 hay-shed, built in 1866, valued at	20	
½ mile fencing, valued at	280	
		700

Benjamin Fish: settled by him in 1866; *consists of* 20 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1866, valued at	100	
1 barn, built in 1867, valued at	100	
¼ mile fencing, valued at	375	
		575

William Hoffman: settled by him in 1867; *consists of* 30 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1867, valued at	400	
1 barn, built in 1867, valued at	200	
¼ mile fencing, valued at	400	
		1,000

George White; settled by him in 1857; *consists of* 550 *acres, improved.*

Improvements:		
2 dwelling-houses, built in 1864, valued at	2,500	
2 store-houses, built in 1865, valued at	150	
1 servants' house, built in 1857, valued at	60	
1 barn and granary, built in 1865, valued at	300	
1 hay-shed, built in 1859, valued at	30	
6½ miles fencing, valued at	3,000	
Fruit-trees, valued at	150	
1 house, designated as the Lord place, valued at	350	
		6,540

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F. A. Redwine: settled by him in 1866; *consists of* 6 *acres, improved.*

		Assessed valuation.
Improvements:		
1 dwelling-house, built in 1866, valued at	$300	
1 store-house, built in 1859, valued at	75	
1 hay-shed, built in 1868, valued at	20	
¼ mile fencing, valued at	150	
		$545

Martin Glaze: settled by him in 1866; *consists of* 5 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1866, valued at	150	
¼ mile fencing, valued at	250	
		400

John Harris: settled by him in 1867; *consists of* 5 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1867, valued at	300	
¼ mile fencing, valued at	125	
		425

William Turner: purchased by him in 1867; *originally settled in* 1865; *consists of* 80 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1865, valued at	350	
1 store-house, built in 1867, valued at	30	
1 hay-shed, built in 1867, valued at	50	
1½ mile fencing, valued at	570	
Garden-fence and fruit-trees, valued at	150	
		1,150

Hosea Norris: purchased by him in 1866; *originally settled in* 1860; *consists of* 3 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1865, valued at	300	
Fruit-trees, valued at	150	
		450

Hiram Begley: settled by him in 1865; *consists of* 40 *acres, improved.*

Improvements:		
1 house and ¼ mile fencing, built in 1866, valued at	550	
		550

Nelson Brush: purchased by him in 1866; *originally settled in* 1864; *consists of* 75 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1865, valued at	190	
1 hay-shed, built in 1868, valued at	60	
1 mile fencing, valued at	450	
		700

Foster brothers: settled by them in 1867; *consists of* 3 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1867, valued at	250	
1 store-house, built in 1868, valued at	100	
1 granary, built in 1869, valued at	150	
1 barn, built in 1867, valued at	250	
¼ mile fencing, valued at	100	
		850

Foster brothers: settled by them in 1866; *consists of* 70 *acres, improved.*

Improvements:		
1½ miles fencing, valued at	600	
1 granary, built in 1866, valued at	50	
		650

Robert Atkinson: purchased by him in 1866; *originally settled in* 1865; *consists of* 80 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1867, valued at	250	
1 hay-shed, built in 1868, valued at	50	
1 mile fencing, valued at	450	
		750

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Garret Fitzgerald: purchased by him in 1865; *originally settled in* 1858; *consists of* 100 *acres, improved.*

		Assessed valuation.
Improvements:		
1 store-house, built in 1863, valued at	$50	
1 hay-shed, built in 1869, valued at	50	
1½ miles fencing, valued at	600	
		$700

Edward Goggins: settled by him in 1865; *consists of* 50 *acres, improved.*

Improvements:		
2 dwelling-houses, built in 1868, valued at	300	
1 store-house, built in 1868, valued at	50	
1 hay-shed, built in 1868, valued at	25	
¼ mile fencing, valued at	375	
		750

George Morrison: purchased by him in 1862; *originally settled in* 1860; *consists of* 320 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1862, valued at	400	
1 barn and granary, built in 1866, valued at	800	
2½ miles fencing, valued at	1,125	
		2,325

Pullem brothers: purchased by them in 1866; *originally settled in* 1857; *consists of* 200 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1861, valued at	450	
1 store-house, built in 1865, valued at	230	
1 granary, built in 1865, valued at	75	
1 barn, built in 1865, valued at	100	
1 chicken-house, built in 1865, valued at	20	
1¼ miles fencing, valued at	875	
100 fruit-trees, set out in 1869, valued at	150	
		1,900

Richard Harris: settled by him in 1869; *no land improved.*

Improvements:		
1 dwelling-house, built in 1869, valued at	200	
		200

James H. Griffin: purchased by him in 1860; *originally settled in* 1857; *consists of* 280 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1863, valued at	450	
1 store-house, built in 1864, valued at	50	
1 barn and granary, built in 1864, valued at	900	
3 miles fencing, valued at	1,500	
30 fruit-trees, valued at	60	
		2,960

Lambert & Bishop: purchased by them in 1869; *originally settled in* 1859; *consists of* 200 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1869, valued at	250	
1 granary, built in 1859, valued at	50	
1 hay-shed, built in 1868, valued at	25	
1½ miles fencing, valued at	675	
		1,000

Elijah Potter: settled by him in 1865; *consists of* 20 *acres, improved.*

Improvements;		
1 dwelling-house, built in 1865, valued at	150	
1 mile fencing, valued at	400	
		550

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S. S. Davis: purchased by him in 1859; *originally settled in* 1857; *consists of* 640 *acres, improved.*

		Assessed valuation.
Improvements:		
1 dwelling-house, built in 1859, valued at	$1,600	
1 store-house and granary, built in 1860, valued at	300	
1 barn, built in 1860, valued at	50	
1 hog-shed, built in 1861, valued at	100	
1 barn and grist-mill, built in 1861, valued at	1,500	
30 fruit-trees, set out in 1861, valued at	50	
500 grape-vines, set out in 1863, valued at	500	
5 miles fencing, built in 1863, valued at	2,200	
1 mile fencing, not put up, valued at	500	
		$6,800

Andrew Barber & John Waltham: settled by them in 1866; *consists of* 100 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1866, valued at	150	
1 hay-shed, built in 1867, valued at	50	
1½ mile fencing, valued at	500	
1½ mile fencing, (brush,) valued at	100	
1 house, valued at	100	
		900

Samuel Semmerly: purchased by him in 1868; *originally settled in* 1866; *consists of* 400 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1858, valued at	500	
1 blacksmith and carpenter shop, built in 1866, valued at	150	
1 store-house, built in 1866, valued at	100	
1 chicken-house, built in 1866, valued at	75	
1 granary and wagon-shed, built in 1866, valued at	100	
1 barn and granary, built in 1867, valued at	1,400	
100 fruit-trees, set out in 1867, valued at	250	
300 grape-vines, set out in 1868, valued at	300	
7 miles fencing, valued at	3,500	
		6,375

Green Short: purchased by him in 1865; *originally settled in* 1857; *consists of* 320 *acres, improved.*

Improvements:		
1 dwelling-house and store-house, built in 1864, valued	600	
1 granary and wagon-shed, built in 1864, valued at	150	
1 chicken-house and hog-shed, built in 1864, valued at	100	
1 barn and granary, built in 1866, valued at	1,000	
3½ miles fencing, valued at	1,600	
20 fruit-trees, set out in 1868, valued at	50	
		3,500

Jacob Anthony: purchased by him in 1868; *originally settled in* 1856; *consists of* 280 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1860, valued at	900	
1 granary, built in 1867, valued at	50	
1 hay-barn, built in 1859, valued at	75	
1 hay-shed, built in 1869, valued at	250	
1 hog-shed, built in 1865, valued at	25	
500 grape-vines, set out in 1869, valued at	500	
3 miles fencing, valued at	1,500	
		3,300

Antonio Leasure: purchased by him in 1860; *originally settled in* 1857; *consists of* 120 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1862, valued at	200	
1 store-house, built in 1860, valued at	100	
1 barn, built in 1866, valued at	700	
1½ miles fencing, valued at	500	
		1,500

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J. H. Thomas: settled by him in 1868; *2 acres, inclosed.*

		Assessed valuation.
Improvements:		
1 house, built in 1868, valued at	6250	
1 hay-shed and fencing, valued at	100	
		$350

Alexander Perry & James Neil: purchased by them in 1869; *originally settled in* 1858; *consists of* 200 *acres, improved.*

Improvements:		
2 dwelling-houses, built in 1867, valued at	1,500	
1 store-house, built in 1867, valued at	100	
1 granary and corn-crib, built in 1867, valued at	200	
2 servants' houses, built in 1858, valued at	150	
80 fruit-trees, set out in 1869, valued at	150	
1 spring-house, built in 1865, valued at	50	
1 barn, built in 1866, valued at	400	
4 miles fencing, valued at	1,500	
		4,050

Philip Duel: settled by him in 1860; *consists of* 200 *acres, improved.*

Improvements:		
1 house, built in 1860, valued at	150	
1 granary, built in 1862, valued at	100	
1 barn, built in 1862, valued at	50	
2 miles fencing, valued at	900	
		1,200

A. P. Hoteling: purchased by him in 1860; *originally settled in* 1856; *consists of* 1,200 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1857, valued at	1,500	
1 barn and granary, built in 1860, valued at	2,000	
1 orchard, set out in 1859, valued at	1,000	
5½ miles fencing, valued at	2,500	
		7,000

Henley and brothers: settled by them in 1857; *consists of* 1,600 *acres, improved.*

Improvements:		
1 dwelling-house, built in 1867, valued at	2,000	
2 barns, built in 1867, valued at	2,000	
3 corn-cribs, built in 1859, valued at	400	
2 store-houses, built in 1859 and 1866, valued at	350	
1 granary, built in 1869, valued at	250	
1 blacksmith-shop, built in 1859, valued at	100	
2 servants' houses, built in 1859, valued at	750	
2 hay-shed, built in 1859, valued at	150	
11 miles fencing, valued at	5,000	
		11,000
Total assessed valuation		109,555

J. B. McINTOSH,
Brevet Major General U. S. A., Superintendent Indian Affairs, California.

SAN FRANCISCO, CALIFORNIA, *December* 22, 1869.

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS, CALIFORNIA,
San Francisco, February 18, 1870.

SIR: I have the honor to inclose to you the field-notes of the recent survey of the Round Valley Indian reservation; I also forward a proposed description of lands to be set apart for an Indian reservation at Round Valley, Mendocino County, California. I forward also, by the same mail, the plat of the survey, made during the months of December and January last, of the Round Valley reservation, by Lieutenant Savage, of the Corps of Engineers, United States Army. This work has been handsomely done, and Lieutenant Savage deserves credit for it.

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In my letter to you, under date of November 25, 1869, I set forth what I thought ought to be the boundary of the Round Valley Indian reservation, viz, all the country which is inclosed between the Eel River, its east and middle forks. During my recent visit there I made a more minute investigation, to see if it was desirable that the reservation should be extended to that extent, and I found that it was not advisable to do so, for the simple reason that the area would be too large; if the reservation had been extended to the Eel River, although its natural boundary, it would have taken in over one hundred thousand acres. I therefore determined to run the survey to the crests of the surrounding mountains, so as to take in the whole of the valley, as directed by you in your letter to me of the 18th of October, 1869. You will see that the lines of the old survey are traced in red, and the lines of the survey just completed are the outer lines traced in India ink. If my understanding of this reservation is correct, Congress having passed the necessary laws for four reservations in California, and the Secretary of the Interior having designated Round Valley as one of the reservations, it is only necessary to have the President's proclamation or order to have Round Valley legally recognized as an Indian reservation. Whatever steps are necessary to complete the law in reference thereto, I trust you will give me specific directions as to the course I shall pursue in reference to the citizens now located at Round Valley. Many of them are indisposed to leave the valley, while others would be satisfied to leave provided they could be paid for their improvements. Upon my return from Round Valley, in December, I sent you my report, also a list of the valuation of the property in Round Valley. I have not received any instructions from you since as to whether I should enter into the provisional contracts with the citizens for their improvements according to the valuations sent on. If you deem it necessary to give me further instructions, I hope you will enter into the question of the swamp and overflowed lands, to which I referred in my communication to you of December 27, 1869.

I am, sir, very respectfully, your obedient servant,

J. B. McINTOSH,
Brevet Major General U. S. A., Superintendent of Indian Affairs.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

Proposed description of lands to be reserved for Indian purposes in Round Valley, Mendocino County, California.

All that piece or tract of land situated in Round Valley, Mendocino County, California, being a portion of the four townships hereinafter mentioned, namely:

Townships 22 and 23 north, range 12 west, and 22 and 23 north, range 13 west, Mount Diablo meridian, and contained within the boundaries hereinafter described:

Beginning at a white-oak post, the southeast corner section 23, township 23 north, range 13 west, Mount Diablo meridian; thence south 72° 22′ west, for 5,330 feet (magnetic variation 17° 38′ east) to a white-oak post; thence south for 3,154 feet to a white-oak post in stone mound; thence south 23° east, for 2,073 feet to a white-oak post; thence south 7° 35′ east, for 4,491 feet to a white-oak post; thence south 37° 25′ east, for 13,324 feet to a white-oak post in rock mound; thence south 41° 40′ east, for 4,763 feet to an oak post in rock mound; thence south 71° 20′ east, for 2,845 feet to an oak post; thence south 20° 30′ east, for 4,098 feet to a black-oak tree, blazed on four sides, 4 feet from the ground; thence south 80° 15′ east, for 2,730 feet to a pine-tree 100 feet in height, bushy top, blazed as above; thence south 53° 10′ east, for 937 feet to a pine-tree 20 feet in diameter, forked 10 feet above ground, blazed as above; thence south 45° 10′ east, for 2,333 feet to a black-oak tree 30 inches in diameter, blazed as above; thence south 72° 58′ east, for 9,120 feet to an oak post on high knoll; thence north 39° 33′ east, for 4,627 feet to a white-oak tree 30 inches in diameter, blazed as above; thence north 28° 30′ east, for 2,485 feet to a pine-tree 30 inches in diameter, blazed as above; thence north 16° 42′ east, for 3,209 feet to a black-oak tree 32 inches in diameter and blazed as above; thence north 51° 40′ east, for 3,797 feet to a white-oak tree 15 inches in diameter and blazed as above; thence north 23° 32′ east, for 3,053 feet to a white-oak tree 10 inches in diameter and blazed as above; thence north 7° 35′ east, for 6,150 feet to a white-oak tree 20 inches in diameter and blazed as above; thence north 48° 40′ east, for 1,088 feet to a pine-tree 30 inches in diameter and blazed as above; thence north 15° east, for 719 feet to a pine-tree 20 inches in diameter and blazed as above; thence north 71° 25′ east, for 962 feet to a forked black-oak 20 inches in diameter, and blazed as above; thence north 15′ east for 13,930 feet to a white oak 30 inches in diameter and blazed as above; thence north 53° 45′ west, for 1,678 feet to a pine-tree 15 inches in diameter and blazed as above; thence north 45° 25′ west, for 4,616 feet to a white-oak tree 40 inches in diameter and blazed as above; thence north 76° 55′ west, for 3,935 feet to a white-oak tree 22 inches in diameter and

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blazed as above; thence north 81° 45′ west, for 5,670 feet to a black-oak tree 20 inches in diameter and blazed as above; thence north 89° 15′ west, for 1,874 feet to a pine-tree 35 inches in diameter and blazed as above; thence north 85° 15′ west, for 849 feet to a pine-tree 40 inches in diameter and blazed as above; thence north 71° 15′ west, for 1,257 feet to a pine-tree 30 inches in diameter and blazed as above; thence north 60° 40′ west, for 1,337 feet to a pine-tree 28 inches in diameter and blazed as above; thence north 52° 25′ west, for 1,530 feet to a pine-tree 30 inches in diameter and blazed as above; thence north 64° 40′ west, for 5,525 feet to a pine-tree 35 inches in diameter and blazed as above; thence south 78° 30′ west, for 604 feet to a pine-tree 30 inches in diameter and blazed as above; thence north 84° 35′ west, for 3,357 feet to a pine-tree 9 inches in diameter and blazed as above; thence north 71° 40′ west, for 3,103 feet to a pine-tree 40 inches in diameter, and near a bowlder, and blazed as above; thence north 87° 35′ west, for 4,842 feet to a black-oak tree 40 inches in diameter and blazed as above; thence south 66° 20′ west, for 2,423 feet to a pine-tree 60 inches in diameter and blazed as above; thence south 3° 37′ east, for 3,314 feet to a mud road tree 40 inches in diameter and blazed as above; thence south 34° 10′ west, for 9,170 feet to a white-oak tree 30 inches in diameter and blazed as above; thence south 23° 10′ west, for 1,768 feet to a white-oak tree 50 inches in diameter and blazed as above; thence south 16° 50′ west, for 734 feet to a pine-tree 40 inches in diameter and blazed as above; thence south 35° 40′ west, for 993 feet to a double pine-tree 60 inches by 25 inches at but, and blazed as above; thence south 25′ west, for 409 feet to a pine-tree 32 inches in diameter and blazed as above; thence south 61° 15′ east, for 1,046 feet to a pine-tree 40 inches in diameter and blazed as above; thence north 48° 14′ east, for 1,347 feet to a white-oak tree 30 inches in diameter and blazed as above; thence north 41° 50′ east for 1,043 feet to a white-oak tree 25 inches in diameter and blazed as above; thence north 32° 40′ east, for 735 feet to point of beginning.

The total length of said boundary being 31 miles and 1939 feet, and including an area of 31,683 acres; said tract of land being more minutely described in the field-notes and plat of the survey of said tract executed in December, 1869, and January, 1870, under the superintendence of the Brevet Major General John B. McIntosh, United States Army, by Brevet Second Lieutenant R. H. Savage, Corps of Engineers, United States Army.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 30, 1870.

SIR: I have the honor to transmit herewith a communication, dated the 4th instant, from the Commissioner of Indian Affairs, and accompanying papers, map, &c., recommending the enlargement of Round Valley Indian reservation, in Mendocino County, California, to the extent indicated by the Commissioner, and as delineated on the said map.

I concur with the Commissioner in the opinion that the Indian service in California requires that all of Round Valley be reserved for Indian purposes, and have the honor to request that said valley be set apart as an Indian reservation, as the same is enlarged, in accordance with the report of Superintendent McIntosh, plat, field-notes, and schedule of lands marked A, B, and C, which are herewith inclosed.

With great respect, your obedient servant,

J. D. COX, *Secretary.*

I hereby order that Round Valley, in Mendocino County, California, be set apart as an Indian reservation, in accordance with the recommendation of the Secretary of the Interior, as the same is delineated on the map accompanying his letter of the 30th March, 1870.

U. S. GRANT.

WASHINGTON, D. C., *March* 30, 1870.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND-OFFICE,
March 18, 1870.

SIR: I have the honor to acknowledge the receipt, by reference, of a communication, dated 4th instant, herewith, from the Commissioner of Indian Affairs, with accompanying papers, in the matter of the proposed enlargement of Round Valley Indian reservation, in townships 22 and 23 north, ranges 12 and 13 west, of the Mount Diablo meridian, California, and respectfully submit the following observations on the same:

1. There appears to be no objection to the enlargement of the present reservation to the limits indicated on the plat of survey made under the supervision of the superin-

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tendent of Indian affairs for California, and accompanying the papers referred to this office. The existing reservation is bounded by subdivisional lines of public surveys, and is wholly situated on surveyed lands.

2. It will be observed, however, that the proposed extension of the present reservation will embrace both surveyed and unsurveyed lands, excluding portions of the existing reservation, and including some lands owned by parties, whose rights, it seems, the Office of Indian Affairs proposes to obtain by purchase.

3. The lands disposed of by the Government within the proposed enlarged reservation are as follows:

Section 2, township 22 north, range 12 west; the southwest quarter section 14, township 23 north, range 13 west; the north half section 23, township 23 north, range 13 west; the east half southeast quarter section 23, township 23 north, range 13 west; the west half of southwest quarter section 23, township 23 north, range 13 west. Schedule by the State of California for internal improvements, under act of March 3, 1853, and approved June 8, 1866.

The west half of southeast quarter and east half of southwest quarter of section 23, township 23 north, range 13 west, were patented to Dudley M. Dorman, October 15, 1863.

I have the honor to be, with great respect, your obedient servant,

JOS. S. WILSON,
Commissioner.

Hon. J. D. COX,
Secretary of the Interior.

FIELD-NOTES.

Survey of Round Valley, Mendocino County, California, made in months of December, 1869, and January, 1870, under the direction of Brevet Major General John R. McIntosh, United States Army, by Brevet Second Lieutenant R. H. Savage, Engineer Corps, United States Army.

Began December 7, 1869, at a white-oak post, the southeast corner section 23, township 23 north, range 13 west, Mount Diablo meridian, and retraced the south boundary of said section to southwest corner post; thence run south 72 degrees 22 minutes west 53 chains 30 links to station 2, a white-oak post 6 feet long, with 3 bearing-trees, as follows: 1. South 10 degrees west, white oak 8 inches diameter, 10 links distant; 2. West white oak 10 inches diameter, 17 links distant; 3. West 30 degrees north, white oak 12 inches diameter, 7 links distant.

Between stations 1 and 2, at 18 chains 25 links, girdled oak-tree on line; creek to left distant 1 chain; country wooded, pines and oaks; cross creek, small, running southeast, at 51 chains 25 links, and ascend to station 2; bare hills to right and left.

From station 2 ran due south for 31 chains 54 links to station 3, a white-oak post 6 feet long in stone mound, with 3 bearing-trees, as follows: 1. South 62 degrees east, 20 inches diameter, 44 links distant—spruce; 2. East 20 degrees north, 33 inches diameter, 42 links distant—black oak; 3. North 31 degrees east, 32 inches diameter, 27 links distant—black oak.

At 4 chains 50 links from station 2, line ascending, passes bowlder 20 links to right; ground clear. At 10 chains 50 links crossed creek running north 40 degrees east. At 16 chains 25 links line crossed bowlder near white oak; ascended to 21 chains; then crossed road running east, Foster's cabin bearing west, distant 5 chains; frequent rock bowlders; gulches timbered and hills bare.

From station 3 ran south 23 degrees east for 20 chains 73 links to station 4, a white-oak post 6 feet long, with 3 bearing-trees, as follows: 1. Black oak, south 15 degrees west, 20 inches diameter, 21 links distant; 2. Black oak, south 50 degrees east, 25 inches diameter, 43 links distant; 3. Black oak, north 40 degrees west, 20 inches diameter, 9 links distant.

At 10 chains from station 3 took bearing of peak of west mountains, south 30 degrees 20 minutes west; peak of east mountains bears north 66 degrees 40 minutes east; line descends from station 3 to 16 chains; crossed there small brook and ascended wooded ridge; reached summit at 21 chains. Ridge runs east 30 degrees south; ground clear, with belts of woods as far as 16 chains.

From station 4 ran south 7 degrees 35 minutes east for 45 chains 91 links to station 5, an oak post 6 feet long, with bearing-trees as follows: 1. Black oak, south 53 degrees west, 15 inches diameter, 20 links distant; 2. Black oak, south 30 degrees east, 18 inches diameter, 72 links distant; 3. Black oak, west 60 degrees north, 17 inches diameter, 30 links distant.

Descended from station 4 and crossed brook in wooded gulch at 12 chains; ascended to 13 chains; descended to 14 chains; crossing second small brook, line crossed them

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both at junction at 18 chains; ascended to summit thinly wooded ridge, bears west 20 degrees north, at 36 chains, and at 36 chains 75 links crossed trail to South Eel.

At 15 chains 75 links from station 4 blazed spruce on line.

From station 5 ran south 37 degrees 25 minutes for 133 chains 25 links to station 6, an oak post 16 feet long in rock mound, near outcrop rocks on west side opening, sloping southeast, with 3 bearing-trees, as follows: 1. Black oak, south 20 degrees west, 35 inches diameter, 40 links distant; 2. Black oak, south 5 degrees west, 10 inches diameter, 80 links distant; 3. Black oak, north 45 degrees east, 22 inches diameter, 3 links distant.

Descended from station 5; at 2 chains 20 links line passed between 2 small black oaks, blazed, on edge of gully.

Ground clear to left, and at 6 chains crossed little brook; ran west 10 degrees north to east 10 degrees south; ascend from 6 chains to 8 chains, and at 8 chains crossed summit heavily wooded ridge; descended to 19 chains, foot dry gulch; ascended oak-timbered ridge to 14 chains; descended to 23 chains; crossed creek, runs east in steep gulch; skirted hill-side to 28 chains, thinly timbered; crossed small creek at 30 chains, steep-walled; line ascended to 39 chains, touching spruce-tree 20 inches diameter on right, (tree notched.) At 40 chains, line crossed black-oak stump 20 inches diameter; ascended to 44 chains; then descended to 50 chains, and crossed rocky gulch and brook running east 30 degrees north; ascended through oak and pine woods to clearing; at 54 chains cross ridge; descended to clearing at 76 chains; ascended to 84 chains; descended to 92 chains; ascended to 100 chains; woods heavy; quartz-rock bowlders frequent, and descended to 120 chains; entered clearing one-fourth mile wide, and passed here oak-tree 25 inches diameter in mound 3 chains west of line; also small pond; descended then to station 6.

From 6 ran south 41 degrees 40 minutes east 47 chains 63 links to station 7, an oak post 6 feet long in rock mound south of creek, with 3 bearing-trees, as follows: 1. Black oak, north 15 degrees east, 28 inches diameter, 2 chains 75 links distant; 2. Black oak, south 40 degrees west, 20 inches diameter, 1 chain 25 links distant; 3. Black oak, north 60 degrees west, 30 inches diameter, 2 chains distant.

From station 6 descended bare slope to 8 chains; crossed Cahto trail at 10 chains; west 20 degrees north passed marshy ground to east at 20 chains from 6, and with small brook parallel on east; descended to 20 chains, and thence to 39 chains, and crossed steep-walled creek; runs east 25 degrees south; ascended to summit ridge at 42 chains, "Tom's" house distant 10 chains bearing north 45 degrees east; clear ground to east of line; crossed creek at 50 chains, (runs east,) and then ascended to station 7.

Ran from station 7 south 71 degrees 20 minutes east, for 28 chains 45 links to station 8, an oak post 6 feet long near black oak tree 20 inches in diameter, with four bearing-trees, as follows: 1. White oak, south 40 degrees east, 20 inches diameter, 20 links distant; 2. White oak, east, 10 inches diameter, 10 links distant; 3. Black oak, south, 12 inches diameter, 15 links distant; 4. White-oak, west, 15 inches diameter, 25 links distant.

Ascended from 7 to 8, passing bowlders on east of line, 20 links distant, at 2 chains, and line touched black oak 20 inches diameter at 10 chains; ascended to summit ridge at 12 chains; clear to east; ridge slopes east 30 degrees north; at 26 chains crossed road, runs north and east; wood road.

From station 8 ran south 20 degrees 30 minutes east for 40 chains 98 links to station 9 a black-oak tree (20 inches diameter) blazed 4 feet from ground, facing 4 blazed bearing-trees: 1 black oak, west, 22 inches diameter, 25 links distant; 2. Black oak, west 20 degrees south, 25 inches diameter, 30 links distant; 3. Black oak, north 45 degrees east, 25 inches diameter, 25 links distant; 4. Black oak, south 30 degrees west, 20 inches diameter, 35 links distant.

Intersections taken as follows:

Peak (highest) of east mountains north 49 degrees 10 minutes east. Sharp rock-peak (point) east mountains east 20 degrees south. Line-tree in valley north 50 degrees east.

From 8 ascended to 12 chains, where line passed through fork black-oak tree 20 inches diameter; reached summit at 20 chains, wooded slopes east. Descended to 32 chains; ascended to wooded ridge at 38. Bare hills to east. Frequent rock bowlders; good grass and water.

From station 9 ran south 80 degrees 15 minutes east for 27 chains 30 links to station 10, a pine-tree 100 feet high, bushy top, 35 inches diameter, blazed 4 feet from ground, with witness-trees as follows: 1. Black oak, west 10 degrees south, 25 inches diameter, 25 links distant; 2. Black oak, south 10 degrees east, 24 inches diameter, 25 links distant; 3. Black oak, north 5 degrees west, 20 inches diameter, 35 links distant; 4. Black oak, north 10° west, 25 inches diameter, 40 links distant.

From 10 took bearings as follows:

Highest peak east mountains north 48 degrees east. Sharp rock-peak east mountain east 1 degree 5 minutes south. Fence corner in valley, north 19 degrees 40 minutes east. Descended from 9 very steep hill to clearing at 10 chains; crossed small creek,

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runs east, at 16 chains; ran thence through oak, manzanita, and pine to 10; frequent bowlders.

From station 10 ran south 53 degrees 10 minutes east for 9 chains 37 links to station 11, a spruce-pine tree 20 inches diameter, forked 10 feet above ground, blazed, facing four witness-trees as follows: 1. Pine, north 10 degrees east, 10 inches diameter, 18 links distant; 2. Pine, north 10 degrees west, 14 inches diameter, 45 links distant; 3. Pine, west 45 degrees south, 15 inches diameter, 22 links distant; 4. Pine, east 70 degrees south, 10 inches diameter, twelve links distant.

From station 10 took intersections as follows:

Sharp rock-peak east mountains east 1 degree 20 minutes north. Highest peak east mountains north 43 degrees 35 minutes east. Tree in square fence inclosure north 9 degrees 28 minutes east.

VALLEY.

From station 10 ascended to station 11 through wooded and rocky knolls to a rock mound, oaks; madrones, and pines; some chapparel.

From station 11 ran south 45 degrees 10 minutes east for 23 chains 33 links to station 12, a black-oak tree, 30 inches diameter, notched 4 feet from ground, and with bearing-trees as follows: 1. Scrub oak, west, 8 inches diameter, 30 links distant; 2. Black oak, south 5 degrees west, 12 inches diameter, 20 links distant; 3. Black oak, east, 15 inches diameter, 1 chain 20 links distant.

From station 12 took intersections as follows:

Bare hill eastern mountains south 45 degrees 10 minutes east.

From station 11 descended through woods to 10 chains, and ascended to 22 chains, crossing trail running west on wooded ridge.

From station 12 ran south 72 degrees 58 minutes east for 91 chains 20 links to station 13, an oak post 6 feet high, on high knoll, with bearing-trees as follows: 1. North 75 degrees east, 15 inches diameter, black oak, 25 links distant; 2. South 21 degrees east, 15 inches diameter, white oak, 40 links distant; 3. South 49 degrees west, 18 inches diameter, white oak, 1 chain 25 links distant; 4. West 7 degrees south, 20 inches diameter, black oak, 30 links distant.

There took following intersections:

Highest peak east mountains north 41 degrees east; sharp rock-peak east mountains east 4 degrees south.

From station 12 descended wooded side hill, with ridge to east 1 mile long, and at 31 chains crossed leaning oak, notched; at 32 chains 50 links crossed trail and ascended sparsely timbered hill at 50 chains; at 71 chains crossed brook west to east, ascending then to 13.

From station 13 ran north 39 degrees 33 minutes east for 46 chains 37 links to station 14, a white-oak tree, 30 inches diameter, notched and blazed, with witness-trees: 1. Forked white oak, west 30 degrees south, 30 inches diameter, 40 links distant; 2. White oak, north 12 inches diameter, 45 links distant; 3. White oak, north 30 degrees west, 10 inches diameter, 30 links distant; 4. White oak, west, 12 inches diameter, 60 links distant; 5. White oak, south 20 degrees east, 30 inches diameter, 3 chains distant.

Intersections:

Rock peak east mountains, east 1 degree north; highest peak east mountains north 42 degrees east; round knoll south mountains east 30 degrees south; peak west mountains west 1 degree north.

From 13 descended through chapparel, and crossed Ukiah road at 10 chains 25 links, house 3 chains to south; passed field at 12 chains, and cabin to left at 20 chains, distant 3 chains; ascending crossed rock outcrop at 40 chains; hilly to south; fine white-oak timber.

From station 14 ran north 28 degrees 30 minutes east for 24 chains 85 links to station 15, a pine-tree 30 inches diameter blazed, and with witness-trees as follows: 1. Black oak, (3 forks,) west, 20 inches diameter, 1 chain 20 links distant; 2. Black oak, (2 forks,) south 5° west, 25 inches diameter, 75 links distant; 3. Black oak, east 10° north, 12 inches diameter, 40 links distant; 4. Black oak, north 35° west, 15 inches diameter, 30 links distant.

Intersections as follows:

Bald hill west mountains west 1° north; highest peakeast mountains north 42° 10′ east; tree in front Henley house, north 64° west.

Descended, passing valley to south, from station 14 through sage-brush, and two houses north distant ¼ and ½ mile; crossed at 18 chains small creek, and ascend rocky chapparel hill to 15.

From station 15 ran north 16° 42′ east for 32 chains 9 links to station 16, a black oak, 32 inches diameter, with bearing-trees as follows: 1. White oak, south 25° west, 30 inches diameter, 75 links distant; 2. White oak, south 50° east, 10 inches diameter, 30 links distant; 3. Black oak, north 50° east, 12 inches diameter, 28 links distant; 4. Black oak, north 15° west, 14 inches diameter, 15 links distant.

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Intersections as follows: Highest peak east mountains north 42° 40′ east; highest peak west mountains west 2° north; tree in valley north 50° 10′ west; flag-staff Camp Wright north 52° west; house north 57° west; house and rock mound north 62° west.

From station 15 descended, skirting wooded side hill to 8 chains; sage-brush and chapparel; crossed small creek at 14 chains; runs northeast; ascended to station 16, on Summit Ridge.

From station 16 ran north 51° 40′ east for 37 chains 97 links to station 17, a white oak 15 inches diameter, with bearing-trees as follows: 1. White oak, south40° east, 10 inches diameter. 20 links distant; 2. White oak, west 10° south, 10 inches diameter, 20 links distant; 3. White oak, north 50° west, 12 inches diameter, 15 links distant; 4. White oak, east, 8 inches diameter, 25 links distant.

Intersections as follows:

Gate-post plowed field north 36° east; tree near barnnorth 20° east.

From 16 descended, crossing spur well wooded, oaks and pines, quartz rock and slate abounding over clear side of hill, with small arroyos; at 24 chains crossed small ridge; crossed ridge at 30 chains well timbered.

From station 17 ran north 23° 32′ east for 30 chains 53 links to station 18, a white oak 10 inches diameter, with bearing-trees: 1. Black oak 20 inches diameter, west 5° south, 20 links distant; 2. Pine 22 inches diameter, south 30° east, 60 links distant; 3. Black oak 25 inches diameter, north 25° east, 15 links distant; 4. Black oak 16 inches diameter, west 31° south, 14 links distant.

Intersections as follows:

Bald hill west mountains west 11° north.

Descended from 17 side hill thinly wooded and cross small ridges at 3 chains; descends to big bowlders at 10 chains, and rock outcrop; at 20 chains passed prairie with arroyos, good grazing, descending to valley level.

From station 18 ran north 7° 35′ east for 61 chains 50 links to station 19, a white oak 20 inches diameter, with bearing-trees as follows: 1. Black oak, west, 14 inches diameter, 25 links distant; 2. Black oak, north 40° west, 18 inches diameter, 60 links distant; 3. Black oak, north 23° east, 9 inches diameter, 15 links distant; 4. Black oak, east 3° south, 12 inches diameter, 24 links distant.

Took intersections as follows:

Bald hill west mountains west 20° south.

From 18 ran on level over small hillocks; passed cabin and barn at 18 chains; 3 chains to south crossed gulch, cabin to left 3 chains; crossed road at ——— 19 chains 50 links, and creek bottom gullied 10 feet deep, drainage outlet Round Valley; crossed old creek bottom and sandy flat to 29 chains; at 38 chains line touches fence; two houses bear north 15° east, distant 14 chains; ascended to east boundary ridge; valley well wooded, oaks and pines.

From station 19 ran north 48° 40′ east for 10 chains 88 links to station 20; ascending to station 20, a pine 30 inches diameter, with bearing-trees as follows: 1. Black oak, west 30° south, 12 inches diameter, 40 links distant; 2. Pine, south 20° west, 30 inches diameter, 30 links distant; 3. Madrone, north 40° east, 25 inches diameter, 37 links distant; 4. Pine, north 60° west, 28 inches diameter, 35 links distant.

Intersections as follows:

Bald hill west mountains west 19° south.

From 19 ascended comb of wooded ridge; oak, pine, and madrone trees, with some chapparel, to station 20; station 20 ran north 15° east for 7 chains 19 links to station 21, a pine 20 inches in diameter, with bearing-trees as follows: 1. Madrone, north 20° west, 22 inches diameter, 30 links distant; 2. Black oak, east, 10 inches diameter, 32 links distant; 3. Black oak, south 20° west, 12 inches diameter, 28 links distant; 4. Madrone, west, 20 inches diameter, 10 links distant.

Intersections as follows:

Bald hill west mountains west 18° 50′ south.

From 20 ascended spur, crossed comb of ridge; quartz rock, fine oak timber; water scarce; crossed trail to ridge and ascended to 21.

From station 21 ran north 71 degrees 25 minutes east for 9 chains 62 links to station 22, a forked black oak, 20 inches diameter, with bearing-trees: 1. Black oak, 8 links distant, south 45 degrees west, 12 inches diameter; 2. Black oak, 15 links distant, south 20 degrees west, 15 inches diameter; 3. Black oak, 30 links distant, south 30 degrees east, 14 inches diameter; 4. Black oak, 50 links distant, north 60 degrees east, 18 inches diameter.

Intersections as follows:

Bald hill west mountains west 21 degrees north.

From 21 ascended along ridge to top of eastern range hills, through thick woods, to 22.

Ran from station 22 north 15 minutes east for 139 chains 30 links to station 23, a white oak, 30 inches diameter, on hill. Bearing trees as follows: 1. White oak, north 50 degrees, 15 inches diameter, 30 links distant; 2. White oak, north, 12 inches diame-

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ter, 70 links distant; 3. Black oak, north 60 degrees west, 10 inches diameter, 25 links distant; 4. Black oak, south 30 degrees east, 12 inches diameter, 20 links distant.

Intersections as follows:

Bald hill west mountains south 53 degrees west.

From 22 descended wooded slopes, no underbrush, to 10 chains; ascended, crossed spur, then crossed three rolling spurs to east from east boundary ridge; at 28 chains crossed hill, and descended to 35 chains; crossed then small brook, running into Eel River, which bends one-third mile east; at 50 chains passed small prairie to right, placed notches on oak one mile from 22; cross at 60 chains small creek; good grazing here; at 132 chains passed big bowlder; at 80 chains prairie to west of line; at 82 chains crossed Eel River trail; at 100 chains prairie to east, and house; at 120 chains passed Wilson's; ascended rolling hills to next station.

From 23 ran north 53 degrees 45 minutes west for 16 chains 78 links to station 24, a pine 15 inches diameter; bearing-trees as follows: 1. White oak, south 60 degrees east, 18 inches diameter, 35 links distant; 2. White oak, north 70 degrees east, 12 inches diameter, 40 links distant; 3. White oak, north 30 degrees west, 15 inches diameter, 35 links distant; 4. White oak, south 10 degrees west, 20 inches diameter, 70 links distant.

Intersections as follows:

Bald hill west mountains south 51 degrees 50 minutes west.

From 23 ran through clear grazing land, with trails from west to east, and at 8 chains crossed trail to Eel River; descended to 10 chains; ascended to 12; descended to 14; and ascended to next station, 24; grass and water good.

Ran from station 24 north 45 degrees 25 minutes west for 46 chains 16 links to 25, a white oak, 40 inches diameter; bearing-trees as follows: 1. White oak, east 10 degrees north, 25 inches diameter, 1 chain 20 links distant; 2. White oak, north 5 degrees east, 20 inches diameter, 80 links distant; 3. White oak, west 15 degrees south, 22 inches diameter, 40 links distant; 4. White oak, north 30 degrees west, 18 inches diameter, 60 links distant.

Intersections:

Rock peak northeast boundary hills north 48 degrees west.

Descended from 24 to foot of ravine through white oak timber; crossed creek at 17 chains 50 links, and Lehama trail at 18 chains 26 links. Ascended smooth knoll, with flint bowlders, and then ascended to wooded hill.

From 25 ran north 76 degrees 55 minutes west for 36 chains 55 links to station 26, a white oak, 22 inches diameter, with bearing-trees as follows: 1. White oak, east, 20 inches diameter, 50 links distant; 2. White oak, north 40 degrees east, 22 inches diameter, 120 links distant; 3. White oak, north, 30 inches diameter, 130 links distant; 4. White oak, north 30 degrees west, 32 inches diameter, 140 links distant.

Intersections as follows:

Highest peak east mountains north 71 degrees east.

From 25 descended clear knoll, passed creek in gulch, and ascended to 26.

From 26 ran north 81 degrees 45 minutes west for 56 chains 70 links to station 27, a black oak, 20 inches diameter; bearing-trees as follows: 1. White oak, west 40 degrees south, 25 inches diameter, 30 links distant; 2. White oak, south, 18 inches diameter, 1 chain 20 links distant; 3. White oak, east 11 degrees south, 15 inches diameter, 28 links distant; 4. White oak, north 15 degrees west, 18 inches diameter, 18 links distant.

Intersections as follows:

House Williams's Valley north 56 degrees 40 minutes east; highest peak east mountains north 68 degrees 20 minutes east.

From 26 decended bald hill to small creek and passed opening of Williams's Valley to east. Oak timber. Ascended from creek rolling hill-side at 22 chains 15 links; at 32 chains crossed road and ascended through oaks and to 27.

From 27 ran north 89 degrees 15 minutes west for 18 chains 74 links to station 28, a pine 35 inches diameter; bearing-trees as follows: 1. White oak, north 15 degrees east, 10 inches diameter, 40 links distant; 2. White oak, north 5 degrees west, 10 inches diameter, 29 links distant; 3. White oak, south 40 degrees west, 13 inches diameter, 18 links distant; 4. White oak, south 30 degrees east, 20 inches diameter, 35 links distant.

Intersections:

Bald peak east mountains north 68 degrees 55 minutes east; rock-peak north mountains north 35 degrees 30 minutes west.

From 27 descended to 8 chains, crossed creek, ascended through woods, (oak and pine,) with flint rocks, to 28.

From 28 ran north 83 degrees 15 minutes west for 8 chains 49 links to station 29, a pine 40 inches diameter; bearing-trees as follows: 1. North, black oak, 10 inches diameter, 35 links distant; 2. North 10 degrees east, black oak, 12 inches diameter, 70 links distant; 3. East 20 degrees south, black oak, 13 inches diameter, 50 links distant; 4. West 3 degrees north, black oak, 11 inches diameter, 40 links distant.

Intersections as follows:

Rock peak north mountains north 35 degrees 30 minutes west.

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Descended from 28 through woods to 4 chains 25 links, then ascend over small spurs to next.

From 29 ran it north 71 degrees 15 minutes west for 12 chains 57 links to station 30, a pine 30 inches diameter; bearing-trees as follows: 1. Madrone, south, 20 inches diameter, 5 links distant; 2. Black oak, north 20 degrees west, 30 inches diameter, 90 links distant; 3. Pine, south 10 degrees east, 15 inches diameter, 70 links distant.

Intersections as follows:

Rock peak north mountains, north 31 degrees 50 minutes west.

From 29 skirted wooded ridge, and ascended to next on northeast boundary ridge, Round Valley.

From 30 ran north 60 degrees 40 minutes west for 13 chains 37 links to station 31, a pine 28 inches diameter; bearing-trees as follows: 1. White oak, north 20 degrees east, 15 inches diameter, 30 links distant. 2. Black oak, north, 15 inches diameter, 70 links distant. 3. Pine, west 40 degrees south, 30 inches diameter, 35 links distant. 4. Pine, south 10 degrees west, 12 inches diameter, 80 links distant.

Intersections as follows:

Rock peak north mountains north 31 degrees 50 minutes west.

From 30 crossed spur of ridge, with good timber, to 4 chains, and ascended wooded hill to 31.

Ran from 31 north 52 degrees 25 minutes west for 15 chains 30 links to 32, a pine 30 inches diameter; bearing-trees as follows: 1. Black oak, west, 30 links distant; 2. Black oak, south 20 degrees west, 70 links distant; 3. Pine, east 10 degrees south, 35 links distant; 4. Black oak, north, 80 links distant.

Intersections as follows:

Rock peak north mountains north 26 degrees 55 minutes west.

Peak west mountains south 26 degrees west.

Highest peak east mountains east 20 degrees south.

Rock peak east mountains east 27 degrees south.

Descended from 31 to gully 4 chains 50 links, and ascended easy slope through woods and water to station 32, just inside crest line hills.

From 32 ran north 64 degrees 40 minutes west for 55 chains 25 links to station 33, a pine 35 inches diameter; bearing-trees as follows: 1. Black oak, south, 14 inches diameter, 18 links distant; 2. Pine, north 60 degrees east, 15 inches diameter, 4 links distant; 3. Pine, west, 18 inches diameter, 8 links distant; 4. Black oak, west 40 degrees south, 22 inches diameter, 5 links distant.

Intersections as follows:

Highest peak east mountains east 29 degrees 30 minutes south.

Peak east mountains east 16 degrees 70 minutes south.

Ran from 32 over bald ridge; crossed gulch at 50 chains; clear ground to next station; fine timber; old cabin 25 links to west; quartz bowlder to 50 chains.

Ran from 33 south 78 degrees 30 minutes west for 6 chains 4 links to station 34, a pine 30 inches diameter, with bearing-trees as follows: 1. Pine, 25 inches diameter, south, 12 links distant; 2. Black oak, 17 inches diameter, east, 10 links distant; 3. Black oak, 15 inches diameter, north 5 degrees west, 30 links distant; 4. Black oak, 14 inches diameter, south 25 degrees west, 22 links distant.

Intersections as follows:

Rock hill north mountains north 11 degrees 30 minutes west.

Ran from 33 and skirted side hill, ascending to next station on well-wooded ridge.

Ran from 34 north 84 degrees 35 minutes west for 33 chains 57 links to 35, a small pine 9 inches diameter; bearing-trees as follows: 1. Madrone, 30 inches diameter, south, 15 links distant; 2. Black oak, 12 inches diameter, east 20 degrees north, 28 links distant; 3. Madrone, 20 inches diameter, north 20 degrees east, 80 links distant; 4. Pine, 40 inches diameter, west, 1 chain 20 links distant.

Intersections as follows:

Rock peak south mountains east 26 degrees south.

Highest peak east mountains east 20 degrees south.

Peak east mountains east 15 degrees south.

Rock peak north mountains north 9 degrees west.

Ran from 35 north 71 degrees 40 minutes west for 35 chains 3 links to 36, a pine 40 inches diameter, near clump of bowlders; bearing-trees as follows: 1. Black oak, west, 20 inches diameter, 100 links distant; 2. Pine, south 20 degrees east, 25 inches diameter, 70 links distant; 3. Pine, north 30 degrees east, 28 inches diameter, 40 links distant; 4. Black oak, north, 15 inches diameter, 68 links distant.

Intersections as follows:

Bald hill west mountains south 9 degrees west.

Crossed in last two courses to west side north boundray ridge; descended and crossed bald red-sage brush hill-side; no timber; heavy deposits quartz; ascended to 36 on ridge.

Ran from 36 north 87 degrees 35 minutes west for 48 chains 32 links to 37, a black oak 40 inches diameter; bearing-trees as follows: 1. Back oak, north, 13 inches diame-

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ter, 50 links distant; 2. Black oak, north 40 degrees west, 20 inches diameter, 50 links distant; 3. Black oak, north 65 degrees west, 24 inches diameter, 2 chains 20 links distant; 4. Pine, south 5 degrees east, 30 inches diameter, 80 links distant.

Intersections as follows:

Highest peak east mountains east 19 degrees south.

House south 41 degrees east.

Descended from 36 to 12 chains wooded hill into foot-hill toward Mill Creek; oaks abound; quartz bowlders; rolling foot-hills; and at 34 chains clear to left; thinly wooded on north; at 37 chains cross Yreka trail; ascended to next station.

From 37 ran south 66 degrees 20 minutes west for 24 chains 23 links to station 38, a pine 60 inches diameter, with bearing-trees: 1. Black oak, west 30 degrees south, 12 inches diameter, 30 links distant; 2. Black oak, south 45 degrees east, 14 inches diameter, 100 links distant; 3. Black oak, east, 17 inches diameter, 48 links distant; 4. Pine, north 45 degrees west, 35 inches diameter, 75 links distant.

Intersections:

Pryson's barn south 18 degrees east.

Flag-staff Camp Wright south 25 degrees 30 minutes east.

Bald hill west mountains south 15 degrees west.

From 37 descended wooded hill-side to creek to 16 chains; pines to north; gorge rises; crossed small creek and second trail; ascended slope to 38.

Ran from 38 south 3 degrees 37 minutes east for 33 chains 14 links to 39, a madrone 40 inches diameter, on bare hill; bearing-trees as follows: 1. Black oak, west 20 degrees south, 22 inches diameter, 30 links distant; 2. Black oak, west 10 degrees north, 10 inches diameter, 11 links distant; 3. White oak, south, 8 inches diameter, 30 links distant; 4. Black oak, north 20 degrees east, 12 inches diameter, 18 links distant.

Intersections:

Gray's house south 30 degrees east.

Barn south 29 degrees east.

Mill south 28 degrees 40 minutes east.

Post in rock mound south 32 degrees 55 minutes east.

Pryson's barn south 21 degrees east.

Descended from 38 hill through pines and oaks; crossed two gullies at 19 chains 35 links, and ascended.

Ran from 39 south 34 degrees 10 minutes west for 91 chains 70 links to 40, a white oak 30 inches diameter; bearing-trees as follows: 1. White oak, 20 inches diameter, 30 links, south 25 degrees east; 2. White oak, 18 inches diameter, 200 links, east 10 degrees north; 3. Madrone, 13 inches diameter, 60 links, west 2 degrees north; 4. White oak, 12 inches diameter, 35 links, south 20 degrees west.

Intersections:

Rock-peak north boundary ridge north 33 degrees east.

Peak east mountains east 20 degrees north.

Highest peak mountains east 10 degrees south.

Descended from 39 bare hills; crossed Mill Creek at 16 chains 75 links, bowlder and outcrop, and crossed creek at 27 chains; passed huge bowlder at 34 chains and forks of creek; at 48 chains huge bowlder; crossed fork of creek at 61 chains 75 links; wooded to north, open to south; and then ascended to next.

Ran from 40 south 23 degrees 10 minutes west for 17 chains 68 links to 41, a white oak 50 inches diameter; bearing-trees as follows: 1. White oak, 35 inches diameter, east, 5 links distant; 2. Black oak, 17 inches diameter, north 10 degrees east, 220 links distant; 3. White oak, 25 inches diameter, north 10 degrees west, 200 links distant; 4. Black oak, 20 inches diameter, west, 180 links distant.

Intersections:

Rock-peak east mountains east 15 degrees south.

Highest peak east mountains east 9 degrees south.

Peak rock mound valley east 5 degrees north.

Barn upper agency east 1 degree north.

House lower agency east 2 degrees north.

Ascended from 40 over bare hill to next station on knoll; crossed trail at 7 chains; ranch to northwest, distant one mile.

Ran from 41 south 16 degrees 50 minutes west for 7 chains 34 links to 42, a pine 40 inches diameter; bearing-trees as follows: 1. Black oak, 15 inches diameter, 12 links distant, east; 2. Black oak, 20 inches diameter, 32 links distant, south 10 degrees west; 3. Black oak, 13 inches diameter, 36 links distant, west 5 degrees south; 4. Black oak, 12 inches diameter, 30 links distant, west 30 degrees north.

Intersections:

Rock-peak north boundary ridge north 33 degrees east.

Ascended wooded hill from 41; at 4 chains crossed road to Grist's; bare land to south; bowlders to north.

Ran from 42 south 35 degrees 40 minutes west for 9 chains 93 links to 43, a double pine 60 by 25 at but, with bearing-trees as follows: 1. Madrone, 18 inches diameter,

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70 links distant, south 5 degrees east; 2. Madrone, 10 inches diameter, 30 links distant, north; 3. Black oak, 30 inches diameter, 90 links distant, north 25 degrees west; 4. Black ash, 10 inches diameter, 30 links distant, north 40 degrees east.

Intersections:

Ascended from 42; crossed little gullies in hill, and passed fine mill-timber; crossed road at 8 chains, clearing to east and south.

Ran from 43 south 25 minutes west for 4 chains 9 links to 44, a pine 32 inches diameter; bearing-trees as follows: 1. Black oak, 22 inches diameter, 30 links distant, north 5 degrees east; 2. Black oak, 10 inches diameter, 27 links distant, east; 3. Black oak, 12 inches diameter, 50 links distant, north 20 degrees west; 4. Black oak, 10 inches diameter, 28 links distant, south.

Ascended from 43 over wooded hill to 44.

Ran from 44 south 61 degrees 15 minutes east for 10 chains 46 links to 45, a pine 40 inches diameter, with bearing-trees as follows: 1. Black oak, 70 inches diameter, 25 links distant, south 40 degrees west; 2. Black oak, 25 inches diameter, 32 links distant, east 22 degrees south; 3. Black oak, 20 inches diameter, 70 links distant, south 22 degrees east; 4. Black oak, 25 inches diameter, 40 links distant, north 40 degrees west.

Descended from 44 to 45; passed grave at 10 chains 32 degrees 50 minutes north.

Ran from 45 north 48 degrees 14 minutes east for 13 chains 47 links to 46, a white oak 30 inches diameter, with bearing-trees as follows: 1. White oak, 20 inches diameter, 25 links, south 20 degrees east; 2. White oak, 20 inches diameter, 30 links, east; 3. White oak, 25 inches diameter, 80 links, north; 4. White oak, 20 inches diameter, 70 links, north.

From 45 descended through clearing 4 chains 25 links to Foster's cabin, over sedgy ground; descended to 9 chains 30 links, huge bowlder, and reached next station.

Ran from 46 north 41 degrees 50 minutes east for 10 chains 46 links to 47, a white oak 25 inches diameter. 1. Black oak, 12 inches diameter, 22 links, south; 2. Black oak, 14 inches diameter, 35 links, south 40 degrees east; 3. Black oak, 12 inches diameter, 80 links, east; 4. White oak, 16 inches diameter, 220 links, north.

From 47 took intersections:

Rock-peak east 16 degrees south.

Highest peak east mountains east 7 degrees south.

Descended over bare slopes 7 chains 35 links to point of departure, station 2, said line bearing north 32 degrees 40 minutes east.

Total length boundary, 31 miles 1,039 feet.

Area, 31,683 acres.

R. H. SAVAGE,
Lieutenant Engineers, United States Army

SAN FRANCISCO, CALIFORNIA, *January* 30, 1870.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 225.

EXPENSES OF SALE OF USELESS MILITARY RESERVATIONS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

RELATIVE TO

An appropriation required to carry into effect the act of February 24, 1871, for the expenses of survey, appraisement, and other contingent expenses necessary and attendant upon the sale of useless military reservations provided for by said act.

APRIL 2, 1872.—Referred to the Committee on Appropriations and ordered to be printed

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 25, 1872.

SIR: I have the honor to transmit herewith a copy of a letter, dated the 20th instant, from the Commissioner of the General Land-Office, submitting an estimate of appropriations (copy herewith) "required to carry into effect the act of February 24, 1871," for the expenses of survey, appraisement, and other contingent expenses necessary and attendant upon the sale of useless military reservations provided for by said act, and amounting to $20,000.

Concurring in the views of the Commissioner, I have the honor to submit the subject for early and favorable consideration by Congress.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAS. G. BLAINE,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND-OFFICE,
Washington, D. C., March 20, 1872.

SIR: Respectfully referring to our letter of the 4th August last, in reference to the military reservations ordered by act of Congress approved February 24, 1871, to be turned over to the custody of the Secretary of the Interior by the Secretary of War, I have now the honor to make the following report of the *status* of said reservations.

1. *Fort Lane, Oregon.*—Selected by legal subdivisions. Ready for appraisal. The War Department reports that there are no improvements of value at the post. Its area is 640 acres.

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2. *Fort Jessup, Louisiana.*—Selected by legal subdivisions. Ready for appraisal. The War Department reports no improvements on the reserve, its area being 6,400 acres.

3. *Fort Wayne, Arkansas.*—Selected by legal subdivisions. Ready for appraisal. War Department reports improvements to have been sold. Its area is 11,680 acres.

4. *Fort Smith, Arkansas.*—Purchased from one individual by the War Department; the survey thereof, with slight exceptions, corresponds with legal subdivisions. War Department reports twenty-five buildings existing on the reserve. As the reservation adjoins the village of Fort Smith, I would suggest that the reservation be subdivided into town-lots, for the convenience of the citizens of Fort Smith, in case a bill now before Congress, for the relinquishment of the reservation to that town, fails to become a law. The area of this reservation is 306 acres.

5. That portion of *Fort Abercrombie, Minnesota*, lying east of the Red River of the North. Selected by legal subdivisions. Ready for appraisal. War Department reports that no Government improvements whatever have been made upon the same. There are existing seven claims of settlers with improvements on the vacated reserve. The area of the reserve is 6,993.85 acres.

6. *Fort Walla-Walla, Oregon*, (actually in Washington Territory).—Consists of three tracts, viz, garrison, meadow, and timber reserves, and was located upon surveyed land, an error having been committed in the act in reference to its location. The War Department requested, June 1, 1867, that no steps be taken in regard to its disposition, until further legislation is had on a bill introduced to correct the error in the description. I would suggest that no action be had in this case until Congress acts during the present session in the matter. The total area of these reservations is 1,920 acres.

7. *Fort Sabine, Louisiana.*—Now under contract for survey; no returns have yet been made. War Department reports no improvements on the reserve. Its estimated area is 18,200 acres.

8. *Fort Sumner, New Mexico.*—Out-boundaries only surveyed. Surveyor general was authorized (August 16, 1871) to extend the line of public surveys over the reserve whenever in regular progress they reached the same. War Department reports the improvements sold. Its estimated area is 13,700 acres.

9. *Fort Zarah, Kansas.*—Subdivided into legal subdivisions, and ready for appraisal. War Department and deputy surveyor report no improvements of any value on the reserve. Its area is 3,247.60 acres.

10. *Camp McGarry, Nevada.*—The lines of the public survey have not as yet reached that vicinity. War Department reports that there are no improvements of any value on the reserve. Its area is 48,000 acres, and as there is no apparent demand for the immediate sale of the reservation, and its distant locality from traveled routes in Nevada, I would suggest that the survey of this reservation be deferred.

11. That portion of *Fort Bridger, Wyoming Territory*, which is no longer required for military purposes.—The Secretary of War, February 15, 1872, transmitted to the Secretary of the Interior the relocation of the reserve, and stated that seven persons were residing on the reserve outside the reduced limits. The public surveys have not reached the vicinity of the reserve, and no improvements exist on the same. Its area is 309,760 acres.

There having been no appropriation made to carry out the require-

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ments of the act, I have the honor to suggest that an appropriation of $20,000 be requested from Congress for that purpose.

Whenever Congress shall make the necessary appropriation to carry the law of February 24, 1871, into effect, I think the unsurveyed reservations should be surveyed, and all the lands, buildings, and building material embraced within the several reservations appraised and brought into market, as early as practicable after due public notice.

I transmit herewith an estimate, in duplicate, for $20,000, the amount deemed necessary to carry the act into effect.

I have the honor to be, very respectfully, your obedient servant,

WILLIS DRUMMOND,
Commissioner.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

Estimate of appropriation required to carry into effect the act of February 24, 1871.

For expenses of survey, appraisement, and other contingent expenses for carrying out the provisions of the act of February 24, 1871, providing for the sale of useless military reservations, twenty thousand dollars.....	$20,000 00

Explanation of the foregoing estimate.

For the survey of that portion of Fort Bridger, Wyoming Territory, no longer needed for military purposes, 484 square miles	$10,400 00
For the survey of Fort Sumner, New Mexico, 21.5 square miles.....	500 00
For salary of appraisers, contingent expenses, expenses of sale, &c.....	9,100 00

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, *March* 20, 1872.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 226.

APPROPRIATION FOR RECORDS IN RECORDER'S OFFICE.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

An appropriation required for records, &c., in the office of the recorder of deeds for the District of Columbia, for the current fiscal year.

APRIL 2, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 30, 1872.

SIR: I have the honor to transmit herewith a copy of a communication, dated the 29th instant, from S. Wolf, esq., recorder of deeds for the District of Columbia, submitting an estimate of appropriations required for records, &c., for his office for the current fiscal year, amounting to $1,660.

The subject is respectfully submitted for the consideration of Congress.

I am, sir, very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon JAMES G. BLAINE,
Speaker House of Representatives.

OFFICE OF RECORDER OF DEEDS,
Washington, D. C., March 29, 1872.

SIR: I have the honor to respectfully request an appropriation of $1,660, for the current record books and general indexes of this office for the years 1871 and 1872, as per items below.

The amount appropriated by the late Congress was for the years 1869–'70.

I am, Mr. Secretary, very respectfully, your obedient servant,

S. WOLF, *Recorder.*

Hon. COLUMBUS DELANO,
Secretary of the Interior.

1871.	48 record books, at $16	$768
	2 daily registers, at $12	24
	2 general indexes at $19	38
		830
1872.	As above	830
	Total	1,660

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 227.

EVIDENCE IN CLAIMS FOR BOUNTY.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

The third section of an act of Congress, approved May 17, 1856, *admitting parol evidence to establish claims for bounty-land warrants, where no record evidence is found to exist.*

APRIL 2, 1872.—Referred to the Committee on the Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 30, 1872.

SIR: I have the honor to invite your attention to the inclosed copy of a communication dated the 27th instant, from the Commissioner of Pensions, relative to the third section of an act of Congress, approved May 17, 1856, admitting parol evidence to establish claims for bounty-land warrants, where no record evidence is found to exist.

The Commissioner referred to the subject in his late annual report, but it is a matter of such grave importance, and evidence of the necessity for some action by Congress relative thereto occurs so frequently, that it has been deemed proper to call your special attention to the subject in this manner.

The Commissioner details several incidents, which go to prove the necessity for some action, and others of still greater significance might be given were it deemed proper to do so. Enough is said, however, to show the propriety of the repeal of the section referred to, which the Commissioner recommends, and in which recommendation I most heartily concur.

I am, sir, very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR, PENSION-OFFICE,
Washington, D. C., March 27, 1872.

SIR: In my annual report I had the honor to direct your attention to abuses arising from a privilege granted by the third section of the act

of May 17, 1856, admitting parol evidence to establish a claim for a land warrant, when no record evidence was found to exist.

The language of that report is as follows:

> I regret to say that experience daily teaches us to look upon many cases now presented with grave suspicion. Unjust and incomplete claims are bought by unscrupulous agents, for trifling sums, and are completed by an abuse of a privilege granted by authority of the third section of the act of May 17, 1856, admitting parol evidence to establish a claim when no record evidence exists. By stringent rules and regulations this Bureau has sought to prevent these wrongs, but the only complete protection will be found in the repeal of the section to which reference has been made.

The daily history of the office furnishes such cumulative evidence of the continued abuse of this privilege that I deem it my duty to again call your attention to the matter, in the hope that, by your recommendation, Congress may be induced to repeal or modify the statute provision to which reference is made.

There are upon our files 63,088 suspended land-warrant claims. The great majority of these were suspended by reason of the absence of any record evidence sustaining them.

By some means partial lists of these claims have fallen into the hands of various attorneys, who have, by virtue of the statute mentioned, completed the claims.

A subsequent examination of a very large number of these claims, by an agent of this Bureau visiting the locality and residence of the alleged witnesses, has developed the fact that not in a single instance was the testimony such as it was understood by the parties testifying. Aged and illiterate people had been induced to sign affidavits, the contents of which they had no knowledge. This business, it was found, had been reduced to a system.

Agents employed by attorneys canvassed the country, and, by ingenious and unwarrantable means, constructed such parol evidence as would make and sustain a case before the Pension Bureau. The parol testimony in all the cases examined was found to be a pure fabrication.

Finding this state of facts existing, this office sought, by such means as lay in its power, to guard against the manufacture of such testimony in the rural districts, and issued Circular No. 9, (a copy herewith inclosed,) which requires that "the affidavits in such cases shall be made before a court of record having a seal, the office certifying to the identity and credibility of each affiant, and that the contents of the affidavit were carefully made known to him before administering the oath."

Experience has shown that this precaution has failed of satisfactory results. As it is utterly impossible for this office to send an agent to the place where the testimony is taken in each and all of the cases presented, to examine upon the ground its character, I have thought it best to again call your attention to the abuses of this system of parol evidence, and urge upon you the prudence of asking Congress to repeal the statute.

I am satisfied that no material wrong or injury will be done any one justly entitled to bounty land by the proposed repeal. The act of March 3, 1855, provides that the party claiming such certificate or warrant shall establish his or her right by *record evidence* of said service.

The uniform experience of this Bureau has been that cases not so sustained are worthless.

The military service of a man never borne upon the muster-roll, or paid, or possessing no record evidence, whatever, of service, may, with justice, be questioned. On the other hand, the admission of paro testimony has opened the door for fraud, and the evidence is abundant

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that bad men have been prompt to avail themselves of the opportunity offered to an extent which is growing into an enormous evil.

I see no complete remedy but the repeal of the statute provision, which is respectfully recommended.

Very respectfully, your obedient servant,

J. H. BAKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

CIRCULAR NO. 9.

Bounty lands—Act of March 3, 1855, *and May* 14, 1856.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., ———, 187–.

The declaration of an applicant for bounty land, and affidavits to prove service alleged, must be made before an officer of a court of record, having a seal, the officer certifying to the identity and credibility of each affiant, that the contents of the affidavit were carefully made known to him before administering the oath, and that he is mentally qualified to testify to the facts set forth.

Very respectfully,

———— ————,
Commissioner.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 228.

LANDS TO MISSISSIPPI AND ALABAMA.

LETTER

FROM THE

ACTING COMMISSIONER OF GENERAL LAND-OFFICE,

IN ANSWER TO

A resolution of the House of March 15, 1872, *relative to the disposition of the lands granted to the States of Mississippi and Alabama, to aid in the construction of a railroad from the mouth of the Ohio River to the city of Mobile, Alabama.*

APRIL 2, 1872.—Referred to the Committee on the Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR, GENERAL LAND-OFFICE,
Washington, D. C., March 28, 1872.

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives of the 15th instant, requiring "the Commissioner of the General Land-Office to furnish this House all the information in his office in regard to the disposition of the lands granted to the States of Mississippi and Alabama, to aid in the construction of a railroad from the mouth of the Ohio River to the city of Mobile, in the State of Alabama, by the seventh section of an act of Congress entitled 'An act granting the right of way, and making a grant of land to the States of Illinois, Mississippi, and Alabama, in aid of the construction of a railroad from Chicago to Mobile,'" and in answer respectfully present the following:

1st. The lands granted by the act of September 20, 1850, (U. S. Stat., vol. 9, p. 466,) were duly withdrawn from market in Alabama and Mississippi by instructions from this office, dated 20th September, 1850, for the Mobile and Ohio River Railroad.

2d. For the portion of road in Alabama, certified transcripts were issued on the 4th of February, 1853, embracing lands within the granted limits of six miles, (even sections,) 167,045.05 acres, and within the fifteen-mile limits, (odd sections,) 252,483.39 acres; total, 419,528.44 acres.

3d. For the portion of road in Mississippi, certified transcripts were issued 4th February, 1853, embracing lands within the granted limits of six miles, (even sections,) 288,494.95 acres, and within the fifteen-mile limits, (odd sections,) 448,635.34 acres; total, 737,130.29 acres.

4th. The said certified transcripts, embracing in the aggregate 1,156,658.73 acres, conveyed the lands in trust to the States of Alabama

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and Mississippi, for the purpose of aiding in the construction of said Mobile and Ohio River Railroad; and the same exhausted all the vacant even sections within the six-mile limits and all the vacant odd sections within the fifteen-mile limits of said road in said States.

5th. There is no official information on file in the Department that said railroad had been constructed within the time specified in the fifth section of the granting act, or since that time.

Very respectfully, your obedient servant,

W. W. CURTIS,
Acting Commissioner.

Hon. J. G. BLAINE,
Speaker of the House of Representatives.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 229.

EMPLOYÉS OF SUBSISTENCE DEPARTMENT.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The number of enlisted men on extra duty, and of civilian employés in the Subsistence Department.

APRIL 2, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *March* 26, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, with a request for its reference to the Committee on Military Affairs, a communication and inclosures from the Commissary General of Subsistence, dated the 25th instant and addressed to the Chairman of the Committee on Military Affairs, in answer to his direct request for information showing the present stations and duties of the officers of the Subsistence Department; for a list of officers detailed for duty as acting assistant commissaries of subsistence, with the posts where they are serving, and for a statement showing the number of enlisted men employed on extra duty, and the number of civilian employés in the Subsistence Department, with the several occupations in which they are employed, and their total monthly pay.

WM. W. BELKNAP,
Secretary of War.

OFFICE COMMISSARY GENERAL OF SUBSISTENCE,
Washington City, March 25, 1872.

SIR: I have the honor to inclose herewith, for transmission, a communication for the Hon. John Coburn, Chairman of the Committee on Military Affairs, House of Representatives, in reply to his letter of the 19th instant, requesting the information herewith furnished.

I have the honor to be, very respectfully, your obedient servant,

A. B. EATON,
Commissary General Subsistence.

The Honorable the SECRETARY OF WAR.

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OFFICE COMMISSARY GENERAL OF SUBSISTENCE,
Washington City, March 25, 1872.

SIR: I have the honor to acknowledge the receipt, on the 20th instant, of your letter of March 19, 1872, and in reply thereto inclose herewith the information requested, viz:

1. A statement showing the present stations and duties of the officers of the Subsistence Department.
2. A list of officers detailed for duty as acting assistant commissaries of subsistence, with the posts where they are on duty.
3. A statement showing the number of enlisted men employed upon extra duty in the Subsistence Department, with the several occupations in which they are employed and their total monthly pay.
4. A statement showing the number of civilian employés in the Subsistence Department, with the several occupations in which they are employed, and their total monthly pay.

Very respectfully, your obedient servant,

A. B. EATON,
Commissary General Subsistence.

Hon. JOHN COBURN,
Chairman Committee on Military Affairs,
House of Representatives.

Statement showing the present stations and duties of officers in the Subsistence Department.

Names, rank, &c.	Duty.	Station.
COMMISSARY GENERAL OF SUBSISTENCE.		
Brigadier General.		
Amos B. Eaton, brevet major general, March 13, 1865. Assistant commissaries general of subsistence.	Commissary General of Subsistence.	Washington, D. C.
Colonels.		
Alexander E. Shiras, brevet major general, March 13, 1865.	First assistant to the Commissary General of Subsistence.	Washington, D. C.
Charles L. Kilburn, brevet brigadier general, March 13, 1865.	Chief commissary of subsistence, Military Division of the Atlantic, purchasing commissary at Philadelphia, Pennsylvania.	Philadelphia, Pa.
Lieutenant Colonels.		
Marcus D. L. Simpson, brevet major general, March 13, 1865.	Chief commissary of subsistence, Military Division of the Pacific.	San Francisco, Cal.
Henry F. Clarke, brevet major general, March 13, 1865.	Chief commissary of subsistence, Military Division of the Missouri.	Chicago, Ill.
COMMISSARIES OF SUBSISTENCE.		
Majors.		
William W. Burns, brevet brigadier general, March 13, 1865.	Chief commissary of subsistence, Military Department of the East, purchasing depot and issuing commissary at New York.	New York, N. Y.
Amos Beckwith, brevet major general, March 13, 1865.	Purchasing and depot commissary at New Orleans, chief commissary, Military Department of the Gulf.	New Orleans, La.
John McL. Taylor, brevet colonel, March 13, 1865.	Temporary duty, Washington, D. C., closing accounts prior to assignment, having recently been relieved from duty as chief commissary of subsistence, Military Division of the South.	Washington, D. C.

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Statement showing the stations and duties of officers, &c.—Continued.

Name, rank, &c.	Duty.	Station.
Beekman DuBarry, brevet colonel, March 13, 1865.	Assistant to the Commissary General of Subsistence.	Washington, D. C.
Robert Macfeely, brevet colonel, March 13, 1865.	Purchasing and depot commissary at Chicago, Illinois.	Chicago, Ill.
Thomas J. Haines, brevet brigadier general, March 13, 1865.	Chief commissary of subsistence, Military Department of the South, purchasing and depot commissary at Louisville, Kentucky.	Louisville, Ky.
George Bell, brevet brigadier general, April 9, 1865.	Purchasing and depot and disbursing commissary, Washington, D. C.	Washington, D. C.
Michael R. Morgan, brevet brigadier general, April 9, 1865.	Purchasing and depot commissary at Fort Leavenworth, chief commissary of subsistence, Military Department of the Missouri.	Fort Leavenworth, Kans.
Captains.		
John P. Hawkins, brevet major general, March 13, 1865.	Chief commissary of subsistence, Military Department of the Lakes, purchasing commissary at Detroit, Michigan.	Detroit, Mich.
Michael P. Small, brevet brigadier general, April 9, 1865.	Purchasing and depot commissary at San Francisco, California, chief commissary of subsistence, Military Department of California.	San Francisco, Cal.
Thomas C. Sullivan, brevet lieutenant colonel, March 13, 1865.	Purchasing and depot commissary at Sioux City, Iowa.	Sioux City, Iowa.
John W. Barriger, brevet brigadier general, March 13, 1865.	Purchasing and depot commissary at Omaha, Neb. Chief commissary subsistence, Military Department of the Platte.	Omaha, Nebr.
Thomas Wilson, brevet brigadier general, March 13, 1865.	Purchasing and depot commissary at Baltimore.	Baltimore, Md.
William H. Bell, brevet major, March 13, 1865.	Chief commissary of subsistence, Military Department of the Columbia, and depot and purchasing commissary subsistence at Portland, Oregon.	Portland, Oregon.
Jeremiah H. Gilman, brevet lieutenant colonel, December 31, 1862.	Chief commissary of subsistence, Military Department of Dakota. Purchasing and depot commissary at Saint Paul, Minn.	Saint Paul, Minn.
Samuel T. Cushing, brevet major, March 13, 1865.	Purchasing and depot commissary at San Antonio, Tex. Chief commissary subsistence, Military Department of Texas.	San Antonio, Texas.
William A. Elderkin, brevet major, March 13, 1865.	Purchasing commissary at Denver, Colorado.	Denver, Colorado.
Charles B. Penrose, brevet lieutenant colonel, November 11, 1867.	Purchasing and depot commissary at Saint Louis, Mo.	Saint Louis, Mo.
William H. Nash, brevet major, November 17, 1865.	Chief commissary of subsistence, Military District of New Mexico, and purchasing commissary at Santa Fé, New Mexico.	Santa Fé, N. Mex.
Charles McClure, brevet major, August 17, 1866.	Office Commissary General of Subsistence.	Washington, D. C.
Andrew K. Long, brevet lieutenant colonel, March 2, 1867.	Depot and post commissary at Fort Union, New Mexico.	Fort Union, N. Mex.

There are now three vacancies in the grade of commissary of subsistence with the rank of captain, which, under section 6, act of Mareh 3, 1869, stopping appointments and promotions in certain departments until otherwise directed by law, cannot be filled. Should this restriction be removed and the vacancies filled, the officers appointed could be employed advantageously to the service.

A. B. EATON,
Commissary General Subsistence.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
March 25, 1872.

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List of officers detailed for duty as acting assistant commissaries of subsistence, with the posts where they are on duty.

Names.	Rank.	Regiment or corps.	Where on duty.
Austin, A.	Lieutenant	Fourteenth Infantry	Sidney Barracks, Nebr.
Anderson, I.	....do	Eighteenth Infantry	Newberry, S. C.
Armstrong, R. G.	....do	First Infantry	Fort Porter, N. Y.
Adams, J. Q.	....do	First Cavalry	Camp Warner, Oreg.
Allison, J. N.	....do	Second Cavalry	North Platte, Nebr.
Aldrich, B.	....do	Eighteenth Infantry	David's Island, N. Y.
Abbott, L. A.	....do	Sixth Cavalry	Fort Riley, Kans.
Arnold, J *	Captain	Ordnance	Allegheny arsenal, Pa.
Baldwin, I. H.	Lieutenant	Eighteenth Infantry	Columbia, S. C.
Bates, R. F.	....do	....do	Chester, S. C.
Bailey, E. L.	....do	Fourth Infantry	Paducah, Ky.
Barnhart, F. H.	....do	Eighteenth Infantry	Sumter, S. C.
Barrett, G	....do	Tenth Infantry	Fort Brown, Tex.
Bascom, G. M.	....do	Thirteenth Infantry	Fort F. Steele, Wyo.
Bacon, G. R.	....do	First Cavalry	Camp Halleck, Nev.
Badger, N. D.	....do	Twenty-second Infantry	Whetstone agency, Dak.
Baucroft, E. A.	....do	Fourth Artillery	Fort McHenry, Md.
Bateman, J. C.	....do	Second Infantry	Huntsville, Ala.
Beebe, W. S *	....do	Ordnance	West Troy, N. Y.
Beck, W. B	....do	Fifth Artillery	Fort Adams, R. I.
Bonsall, S. W.	....do	Third Infantry	Fort Reynolds, Dak.
Booth, C. A.	....do	First Infantry	Fort Brady, Mich.
Bennett, C. E.	Captain	Seventeenth Infantry	Grand River agency, Dak.
Brown, R. Pt.	Lieutenant	Fourth Infantry	Lexington, Ky.
Buffum, M. P.	....do	Fifteenth Infantry	Fort Craig, N. Mex.
Burnett, L. F.	....do	Seventh Infantry	Fort Benton, Mont.
Butler, W. P *	....do	Ordnance	Rock Island arsenal, Ill.
Burke, D. W.	Captain	Fourteenth Infantry	Cheyenne, Wyo.
Campbell, C. E.	Lieutenant	Third Infantry	Fort Larned, Kans.
Calhoun, J.	....do	Seventh Cavalry	Elizabethtown, Ky.
Campbell, N. J.	....do	Twenty-second Infantry	Fort Randall, Dak.
Carland, J.	....do	Sixth Infantry	Fort Gibson, Ind. T
Cavanaugh, H. G	....do	Thirteenth Infantry	Camp Douglas, Utah.
Clark, E. R	....do	Tenth Infantry	Austin, Tex.
Clifford, J. C *	....do	Ordnance	Benicia arsenal, Cal.
Clague, J. J.	....do	Twelfth Infantry	Fort Yuma, Cal.
Chamberlin, L. A.	....do	First Artillery	Fort Wadsworth, N. Y.
Chamberlain, H. B.	....do	Tenth Infantry	Fort McIntosh, Tex.
Courtney, M. L	....do	Twenty-fifth Infantry	Fort Duncan, Tex.
Coe, J. N	Captain	Twentieth Infantry	Fort Totten, Dak.
Curry, J.	Lieutenant	Fifth Artillery	Fort Monroe, Va.
Custer, B. M.	....do	Twenty-fourth Infantry	Fort Davis, Tex.
Cragie, D. J	....do	Twelfth Infantry	Angel Island, Cal.
Clark, W. P	....do	Second Cavalry	Omaha Barracks, Nebr.
Custer, T. W	....do	Seventh Cavalry	Unionville, S. C.
Dandy, G. B *	Captain	Assistant quartermaster	Fort Abercrombie, Dak.
Davis, C. L.	Lieutenant	Tenth Infantry	Ringgold Barracks, Tenn.
Davis, E. C. L. B *	....do	Engineers	Willet's Point, N. Y.
Deshler, G. W	....do	First Artillery	Fort Ontario, N. Y.
Dutton, C. E *	....do	Ordnance	Washington arsenal, D. C.
Dudley, E. S.	....do	Second Artillery	Cape Disappointment, W. T.
Duff, G	....do	First Infantry	Fort Gratiot, Mich.
Dove, W. E.	....do	Twelfth Infantry	Camp Independence, Cal.
English, W. L	....do	Seventh Infantry	Fort Buford, Dak.
Eskridge, R. I	....do	Twenty-third Infantry	Fort Vancouver, Wash.
Evans, A. W.	Major	Third Cavalry	Prescott, Ariz.
Eastman, J. E	Lieutenant	Second Artillery	Alcatraz Island, Cal.
Everett, William	....do	Fourth Artillery	Fort Washington, Md.
Engle, J. B	....do	Fifteenth Infantry	Fort Craig, N. Mex.
Fechet, E. O	....do	Second Artillery	Fort Stevens, Oreg.
Fleming, W. W	....do	Twelfth Infantry	Camp Beals Springs, Ariz.
Fowler, J. T	....do	Second Cavalry	North Platte, Neb.
Garvey, T	....do	First Cavalry	Camp McDowell, Ariz.
Gerhard, Willam	....do	Ninth Cavalry	Fort Quitman, Tex.
Gilbreath, E. C	....do	Eleventh Infantry	Fort Griffin, Tex.
Grimes, G. S.	....do	Second Artillery	Fort Whipple, Va.
Greene, A. P	....do	Fourth Artillery	Fort Macon, N. C.
Grealish, M. J *	Captain	Ordnance storekeeper	Pikesville arsenal, Md.
Godwin, E. A.	Lieutenant	Eighth Cavalry	Fort Selden, N. Mex.
Grant, A	....do	First Cavalry	Camp Verde, Ariz.
Guthrie, J. B	....do	Thirteenth Infantry	Camp Brown, Wyo.
Haines, A	....do	Second Infantry	Spartanburgh, S. C.
Hays, E. M	....do	Fifth Cavalry	Fort McPherson, Nebr.
Hawley, William	....do	Twentieth Infantry	Fort Wadsworth, Dak.
Hall, R. M.	....do	First Artillery	Fort Hamilton, N. Y.
Hamner, W. H.	....do	Twentieth Infantry	Fort Ripley, Minn.
Halloran, J	....do	Twelfth Infantry	Camp Wright, Cal.
Hart, D.	....do	Twenty-fifth Infantry	Fort Bliss, Tex.
Hathaway, F. H	....do	Fifth Infantry	Fort Leavenworth, Kans.
Harrold, C. W.	....do	Third Artillery	Fort Pulaski, Ga.

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List of officers detailed as acting assistant commissaries, &c.—Continued.

Names.	Rank.	Regiment or corps.	Where on duty.
Harwood, P	Lieutenant	Twentieth Infantry	Fort Pembina, Dak.
Hill, R. M*	Captain	Ordnance	Indianapolis arsenal, Ind.
Henshaw, E. C	Lieutenant	Twenty-fourth Infantry	Fort McKavatt, Tex.
Humphreys, C. F	do	Fourth Artillery	Fort Johnston, N. C.
Hunt, G. A*	Captain	Military storekeeper	Fort Sanders, Wash.
Hubbard, E. B	Lieutenant	Second Artillery	San Juan Island, W. T.
Hunter, E	do	First Cavalry	Benicia Barracks, Cal.
Hunt, G. S	do	Eighteenth Infantry	McPherson Barracks, Ga.
Howard, O. H	do	Fifth Artillery	Fort Trumbull, Conn.
Howe, C. W	do	Third Artillery	Key West, Fla.
Ives, R. A	do	Fifth Artillery	Fort Preble, Me.
Jacobs, J. W	do	Seventh Infantry	Fort Shaw, Mont.
Jones, F. B	do	Third Infantry	Fort Wallace, Kans.
Jordan, C	do	Sixteenth Infantry	Jackson, Miss.
Jacobs, R. T	do	Sixth Infantry	Ford Dodge, Kans.
Johnston, J. L	do	Twenty-first Infantry	Tucson, Ariz.
Jackson, M	Captain	Eleventh Infantry	Fort Richardson, Tex.
Keffe, J	Lieutenant	Fifth Artillery	Plattsburgh Barracks, N. Y.
Kaczynski, M	do	Twelfth Infantry	Camp Mojave, Ariz.
Kingsbury, G. W	do	do	Camp Gaston, Cal.
Lincoln, S. H	do	Tenth Infantry	Fort Brown, Tex.
Leslie, J. G	do	Nineteenth Infantry	Baton Rouge, La.
Little, W	do	Twentieth Infantry	Fort Snelling, Minn.
Lord, L. H	do	Second Artillery	Presidio, San Francisco, Cal.
Loud, J. C*	Captain	Assistant Quartermaster	Yuma Depot, Ariz.
Mc[illegible]uley, C. A. H	Lieutenant	Third Artillery	Savannah, Ga.
McDermott, G. B	do	Twenty-third Infantry	Fort Boise, Idaho.
McDermott, G	do	Fifth Infantry	Newport Barracks, Ky.
McNeil*	Major	Ordnance	Columbus arsenal, Ohio.
Mercur, T	Captain	First Artillery	West Point, N. Y.
McKee, G. W*	Lieutenant	Ordnance	Saint Louis arsenal, Mo.
McIntyre, A	do	Second Infantry	Chattanooga, Tenn.
Merritt, A. L	do	Eleventh Infantry	Fort Concho, Tex.
Mathews, J. H	do	Eighth Cavalry	New York, N. Y.
Murray, W. S	do	Third Infantry	Fort Lyon, Colo.
MacNeill, I	do	Third Artillery	Barrancas, Fla.
Miller, James	do	Second Infantry	Mobile, Ala.
Mills, O. E*	do	Ordnance	Watertown arsenal, Mass.
Moore, F	do	Ninth Cavalry	Fort Stockton, Tex.
Moss, H. N	do	First Cavalry	Fort Klamath, Oreg.
Noyes, A. H	do	Ninth Cavalry	Shelbyville, Ky.
Northrup, E. B	do	Seventeenth Infantry	Fort Stevenson, Dak.
Oakman, J. J	do	Fourth Infantry	Mount Sterling, Ky.
O'Brien, L. M	do	Seventeenth Infantry	Cheyenne agency, Dak.
Osgood, H. B	do	Third Artillery	Fort Jefferson, Fla.
Page, T. F	do	Fourth Infantry	Frankfort, Ky.
Quigley, H. B	do	Twenty-fifth Infantry	Fort Clark, Tex.
Russell, W. R	do	First Cavalry	Camp Harney, Oreg.
Perry, C. F	do	First Artillery	Madison Barracks, N. Y.
Pitney, C. G	do	Sixth Infantry	Fort Hays, Kans.
Rice, William*	do	Ordnance	Frankford arsenal, Pa.
Randle, W. C	do	Second Cavalry	Omaha Barracks, Nebr.
Randall, E. L	do	Fifth Infantry	Fort Harker, Kans.
Rowan, E. B	do	Twenty-first Infantry	Fort Whipple, Ariz.
Rhoads, W. S	do	Sixteenth Infantry	Nashville, Tenn.
Reed, H. A	do	Second Artillery	Camp McDermit, Nev.
Rice, W. F	do	Twenty-third Infantry	Fort Colville, Wash.
Reed, W. J	do	Twenty-second Infantry	Lower Brulé agency, Dak.
Rockwell, W. H*	Captain	Ordnance storekeeper	Mount Vernon arsenal, Ala.
Rogers, R. H	Lieutenant	Thirteenth Infantry	Fort Bridger, Wyo.
Rutherford, R. G	do	Twelfth Infantry	Fort Columbus, N. Y.
Rue, J. H*	Captain	Ordnance	Augusta arsenal, Ga.
Ryan, F. U	Lieutenant	Second Cavalry	Camp Stambaugh, W. T.
Ryan, J. M	do	Eighth Cavalry	Fort Garland, Colo.
Schrantz, F	do	Sixteenth Infantry	Aberdeen, Miss.
Smith, H	do	Fifth Infantry	Fort Scott, Kans.
Smith, C. P	do	Fifth Cavalry	Saint Louis, Mo.
Swan, T. B	do	Nineteenth Infantry	Little Rock, Ark.
Sykes, W. W	do	Ninth Infantry	Fort D. A. Russell, W. T.
Smith, F	do	Fifth Artillery	Fort Independence, Mass.
Smith, J. S	do	Twelfth Infantry	Fort Ransom, Dak.
Stuart, C	Captain	Fifteenth Infantry	Fort Bayard, N. Mex.
Smith, G. W	Lieutenant	Fourth Artillery	Rutherfordton, N. C.
Smith, E. H	do	First Cavalry	Fort Lapwai, Ind. T.
Swan, J. L	do	First Artillery	Fort Niagara, N. Y.
Sykes, G	Captain	Fifteenth Infantry	Fort McRae, N. Mex.
Thorne, M. C	Lieutenant	Seventh Infantry	Camp Baker, Mont.
Tyler, N. D. A*	Captain	Military storekeeper	Victoria, Tex.
Van Horn, G	Lieutenant	First Artillery	Fort Hamilton, N. Y.
Wood, J	do	Fourth Infantry	Crab Orchard, Ky.

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List of officers detailed as acting assistant commissaries, &c.—Continued.

Names.	Rank.	Regiment or corps.	Where on duty.
Sharp, T	Lieutenant	First Infantry	Fort Mackinac, Mich.
Sherwood, W. L	do	Twenty-first Infantry	Camp Crittenden, Ariz.
Sheetz, J. A	do	Fourth Infantry	Lebanon, Ky.
Slade, C. E	do	Fifteenth Infantry	Fort Stanton, N. Mex.
Simpson, J. F	do	Third Cavalry	Fort McPherson, Nebr.
Stewart, W. F	do	Fourth Artillery	Raleigh, N. C.
Starr, J. M	do	Ninth Cavalry	Fort Concho, Tex.
Smith, L	do	Third Artillery	Charleston, S. C.
Smith, H. M	Captain	Twenty-first Infantry	Camp Bowie, Ariz.
Taylor, A. C	Lieutenant	Second Artillery	Sitka, Alaska.
Theller, E. R	do	Twenty-first Infantry	Camp Hualpai, Ariz.
Thompson, R. E	do	Sixth Infantry	Camp Supply, Ind. T.
Thorne, P. M	do	Twenty-second Infantry	Fort Sully, Dak.
Taylor, F	do	Fourteenth Infantry	Fort Fetterman, Wyo.
Tyler, I	do	First Infantry	Fort Wayne, Mich.
Todd, J. W *	Major	Ordnance	Detroit Arsenal, Mich.
Vedder, S. C	Lieutenant	Nineteenth Infantry	Jackson Barracks, La.
Van Horne, W. M	do	Seventeenth Infantry	Fort Rice, Dak.
Vose, W. P	do	Second Artillery	Point San José, Cal.
Upham, F. K	do	First Cavalry	Camp Apache, Ariz.
Williams, W. M	do	Nineteenth Infantry	Holly Springs, Miss.
Winters, W. H	do	First Cavalry	Camp Bidwell, Cal.
Wilson, G. S	do	Twelfth Infantry	Fort Hall, Ind. T.
Wright, G. H	do	Seventh Infantry	Fort Ellis, Mont.
Wilson, R. P	Captain	Fifth Cavalry	Camp McDowell, Ariz.
Ward, H. C	Lieutenant	Sixteenth Infantry	St. Augustine, Fla.
Warrens, C. H	do	Fourteenth Infantry	Fort Laramie, Wyo.
Whitall, S. R	do	Sixteenth Infantry	Humboldt, Tenn.
Webster, I. T	do	First Artillery	Fort Wood, N. Y.
Whitehead, F. F	do	Eighteenth Infantry	Yorkville, S. C.
Whittemore, J. M *	Captain	Ordnance	Kennebec arsenal, Me.
Woodward, L. L	Lieutenant	Tenth Cavalry	Fort Sill, Ind. T.
Wood, O. E	do	Fifth Artillery	Fort Sullivan, Me.

RECAPITULATION.

Line officers	173
Not of the line, (marked *)	20
Total	193

It is believed that nearly all the officers named in the list are also doing duty as acting assistant quartermaster at their respective stations.

A. B. EATON,
Commissary General Subsistence.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
March 25, 1872.

Statement showing the number of enlisted men employed upon extra duty in the Subsistence Department, with the several occupations in which they are employed, and their total monthly pay.

Occupation.	Number of enlisted men employed.
Clerks	26
Laborers	133
Butchers	18
Mechanics	2
Store-keepers	11
Watchmen	1
Herders	30
Acting commissary sergeants	12
Artificers	6
Issuing sergeants	7
Overseers	1
Coopers	4
Total number	251

Their total monthly pay amounts to $1,900 91.

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This statement is compiled from the returns and accounts of officers on duty in the Subsistence Department for the mouth of January, 1872, except for a few of the more remote posts, for which the latest returns and accounts received have been used. The number is constantly varying, according to the necessities of the service. This statement may, however, be taken as a probable monthly average as the Army is now stationed.

A. B. EATON,
Commissary General Subsistence.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
March 25, 1872.

Statement showing the number of civilian employés in the Subsistence Department, with the several occupations in which they are employed, and their total monthly pay.

Occupation.	Number.
Clerks	79
Laborers	70
Store-keepers	8
Watchmen	7
Coopers	11
Messengers	16
Bakers	3
Carpenters	1
Inspectors	2
Total number	197

Their total monthly pay amounts to $15,067 46.

This statement is compiled from the returns and accounts of officers on duty in the Subsistence Department for the month of January, 1872. The number is constantly varying, according to the necessities of the service. This may, however, be taken as an average as the Army is now stationed.

A. B. EATON,
Commissary General Subsistence.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
March 25, 1872.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 230.

CLAIM OF DAKOTA TERRITORY.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The claim of Dakota Territory for pay, &c., of troops in the Indian war of 1862.

APRIL 2, 1872.—Referred to the Committee of Claims and ordered to be printed.

WAR DEPARTMENT, *March* 28, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, asking its reference to the Committee on Military Affairs, in reply to that committee's request of the 15th instant, all the information this Department possesses in the claim of Dakota Territory "for pay, &c., of troops in the Indian war of 1862." The information is embraced in the inclosed papers, viz:

1. The territorial auditor's report of November 30, 1863, to the legislature.
2. A letter from the Secretary of War to Hon. M. K. Armstrong, of March 22, 1871.
3. Report from the Adjutant General of the Army, of March 23, 1872.

WM. W. BELKNAP,
Secretary of War.

AUDITOR'S AND ADJUTANT GENERAL'S REPORTS, DAKOTA TERRITORY, FOR 1863.

First annual report of the auditor of the Territory of Dakota.

AUDITOR'S OFFICE, YANKTON,
November 30, 1863.

To the honorable Council and House of Representatives:

By the 53d chapter of the laws of 1862 and 1863, it is provided that "all accounts and claims against the Territory, which shall be by law directed to be paid out of the treasury of the Territory, shall be presented to the auditor, who shall examine and adjust the same, and shall issue bills or warrants, payable at the territorial treasury, for the sums which shall be found due from the Territory, specifying in each bill the date of its issue, and the name of the person to whom payable." And also, that "the auditor shall annually make out an accurate statement of the receipts and disbursements of the treasury for the preceding year, ending on the last day of the month previous to the one during which the legislative assembly shall commence its annual

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sessions; also, of the unexpended balances (if any there be) of the several appropriations, the amount remaining in the treasury, the amount of bills or warrants issued and not redeemed, (if any there be,) and shall report the same to each branch of the legislative assembly on the third day of its session, together with such remarks on the finances of the Territory as he shall deem proper for the consideration of the legislative assembly."

In compliance with the foregoing provisions, I have the honor to submit the following report, embracing, as far as practicable, the details required:

The total number of warrants issued up to the 30th day of November, 1863, (exclusive of the military warrants,) amount to $480, to wit:

No. 1. May 8, 1863, James Tufts	$120 00
No. 2. May 8, 1863, J. R. Hanson	120 00
No. 3. May 8, 1863, Wm. R. Goodfellow	44 00
No. 4. May 8, 1863, Wm. R. Goodfellow	196 00
Total	480 00

All of which warrants are outstanding, and for the payment of the same there is no money in the treasury.

The several acts creating and regulating the offices of territorial treasurer and territorial auditor, provide that the treasurer and auditor shall furnish for their respective offices suitable books, blanks, &c.; neither of which requirements have been complied with, for want of the necessary funds in the treasury, and, for the same reason, the auditor has not been able to furnish his office with a seal, as required by law. The following estimate will indicate the probable amount of liabilities on the last day of December, 1864:

Present outstanding warrants	$480 00
Books and stationery for treasurer's office	20 00
Books, blanks, and stationery for auditor	25 00
Seal for auditor's office	10 00
Salary of treasurer, from October 1, 1862	112 50
Salary of auditor, from May 20, 1862	129 16⅔
Total	776 66⅔

To meet these liabilities, I would recommend that an appropriation be made by the legislature, and that a territorial tax be levied upon the real and personal property within the Territory, and a capitation tax of one dollar upon each male citizen of the Territory. With a capitation tax, as above suggested, a tax of five mills on the dollar on real and personal property, though light, would, in my judgment, raise sufficient revenue to meet the ordinary expenses of the Territory. I hope you will take these suggestions under consideration, and act upon them as in your wisdom you may deem necessary and advisable.

By an act of the legislature, entitled "An act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota," approved January 9, 1863, James Tufts, esq., was appointed such commissioner, whose duty it was to receive, examine, and audit the military accounts of the Territory. And said act further provides, that "when the claims audited and certified to by the said James Tufts shall be presented by him to the auditor, the auditor shall forthwith issue territorial warrants to the persons entitled to the same, as per amount designated, by said commissioner." On the 18th day of March, 1863, the said commissioner presented the following report:

COMMISSIONER'S REPORT.

DAKOTA TERRITORY,
OFFICE COMMISSIONER OF MILITARY ACCOUNTS,
Yankton, March 18, 1863.

SIR: In compliance with an act of the legislature, entitled "An act appointing and authorizing a commissioner to audit the military accounts of the Territory of Dakota," approved January 9, 1863, I submit the following report:

Sections one and two of the above-entitled act read as follows: "Section 1. That James Tufts is hereby appointed and constituted a commissioner to audit all of the

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military accounts outstanding against the Territory of Dakota. Sec. 2. That all persons having military claims against the Territory are hereby required to present them to the said James Tufts on or before the first day of March, 1863, and he, the said James Tufts, shall have the same audited and presented to the auditor by the 18th day of March, 1863."

The following general order was published in the Dakotian, a weekly newspaper published at Yankton, and the Dakota Republican, a weekly newspaper published at Vermillion, in said Territory, to wit.

ORDER No. 12.]

GENERAL HEADQUARTERS, DAKOTA TERRITORY,
ADJUTANT GENERAL'S OFFICE,
Yankton, January 27, 1863.

To Captains F. M. ZIEBACH, A. W. PUETT, DANIEL GIFFORD, A. J. BELL, and MAHLON GORE, Dakota militia:

By order of the commander-in-chief, I am directed to instruct all captains of militia companies raised in the Territory, under the proclamation of the governor, issued August 30, 1862, for protection against Indians, to report themselves without delay to the Hon. James Tufts, at Yankton, who, by an act of the territorial legislature, approved January 9, 1863, has been appointed a commissioner to audit the military accounts of the Territory; and you will then and there present for adjustment the property, authenticated accounts, and claims of your respective companies for services and material furnished for the public defense.

By order of the commander-in-chief.

C. P. BOOGE, *Adjutant General.*

In pursuance of said act, and in conformity to the above order, I entered upon the discharge of the duties of the responsible trust confided to me. It will be observed that the enactment conferred plenipotentiary power upon the commissioner in the discharge of the duties imposed, without enjoining any special directions, or providing for the defrayment of such expenses as might be incurred in obtaining evidence or examining witnesses necessary to a just and equitable adjustment of the claims presented. In the absence of all directionary provisions, the commissioner established as a rule, that all claims presented, whether for material furnished, labor performed, or service rendered, should be authenticated and duly certified to by the commander-in-chief of the militia, or by the captains, or some commissioned officer in command in the county or district where the expense was incurred. Under this rule the commissioner has acted, and in auditing the claims herewith presented he has in no instance sought to obtain testimony beyond the authentication of the commanding officer.

The few claims which have been presented for material and labor have, in nearly every case, in the opinion of the commissioner, been marked by moderation and justice, and this class of accounts have, with perhaps an exception or two, been allowed in full. The accounts of militia companies for military service rendered were in most cases unavoidably conflicting and irregular. The names of the same individuals, in several instances, appeared on different rolls, but in all cases duly certified by the proper officer. This clashing in the returns of the various commanders of companies is attributable to the unfitness and incongruity of our present militia law, together with those conspiring circumstances incident to an unsettled and alarmed state of the public at the time the several companies were ordered into service; and, in the opinion of the commissioner, such collisions were inevitable, and, therefore, excusable.

The proclamation under which the militia of the Territory was organized and called into active service was issued on the 30th day of August, 1862. The order has not been revoked at the present writing nor has the militia been discharged from service by any official order, or otherwise. Under these circumstances, the captains could not do otherwise than present their claims for pay from the time they entered the service to the first day of the present month. Though not in constant service, they were obliged, under the law, to hold themselves in readiness, subject to the orders of the commander-in-chief, and by virtue of the existing orders they are entitled to the presumption of uninterrupted active service. While the commissioner, therefore, deems the accounts of the militia-men for four months' pay as reasonable and justifiable by the outstanding orders of the executive of the Territory, he is quite aware that the term of actual active service would fall considerably short of the period named above, and the commissioner has therefore endeavored to approximate, in auditing these pay-accounts, as nearly as in his power, to such time as would be warranted by facts, paying due regard to the interests of the claimants, and according them the benefit of any uncertainty or margin of doubt existing. The commissioner believes that some companies have performed more actual service than others, but as there was no evidence before him to show the length of time which any of them had been in actual service, (other than the muster-rolls,) he resorted to a uniform rule of allowance, as may be seen by the schedule hereunto appended.

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In conforming to this rule, it may be that slight injustice has been done in some cases, but the commissioner is confident that no other rule could have been pursued, whereby more exact justice could have been accorded.

The commissioner trusts that the incompleteness of our territorial militia system, and the complications and embarrassments consequent thereto, together with the meager provisions of the law creating this commission, and a desire to award to the yeoman militia of Dakota their full and just deserts, will furnish a plenary excuse for his shortcomings, and pardon to him those errors into which he may have unconsciously fallen.

All of which is respectfully submitted.

JAMES TUFTS, *Commissioner.*

JUSTUS TOWNSEND, Esq.,
Auditor of Dakota Territory.

The foregoing report was accompanied by an itemized statement of the accounts audited and allowed by the commissioner, which concluded with the following summary:

RECAPITULATION.

ON WHAT ACCOUNT AUDITED.	
Pay, commutations, &c., of Company A, Dakota militia, for two months..	$4,629 00
Pay, commutations, &c., of Company B, Dakota militia, for two months..	2,206 00
Pay, commutations, &c., of Company C, Dakota militia, for two months..	4,811 00
Pay, commutations, &c., of Company E, Dakota militia, for two months..	3,128 00
Pay, commutations, &c., of Captain Fuller's company, for two months....	2,027 00
Recruiting service and pay of staff, for two months.....	3,320 82
Quartermaster's department for two months	2,312 85
Commissary department for two months	5,095 75
Surgeon and hospital expenses for two months	406 75
Incidental expenses for two months.....	200 00
Total.....	28,137 17

Agreeable to the list of audited accounts reported to me by the commissioner, and in obedience to the act creating the commission, I issued warrants on the treasurer, to the amount of $28,137 17, as represented by the following statement:

Statement of warrants issued for the military expenses of the Territory of Dakota, by authority of chapter 50 of statutes of 1862-'63.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
1	F. M. Ziebach	$261 00	30	N. Felling	$51 00
2	David Fisher	221 00	31	James Falkingburg	51 00
3	John Lawrence	211 00	32	L. M. Griffith	51 00
4	George W. Kingsbury	65 00	33	J. B. Greenway	51 00
5	Antoine Robeart	59 00	34	J. R. Hanson	51 00
6	Samuel Mortimer	59 00	35	William High	51 00
7	Samuel Grant	59 00	36	Peter Johnson	51 00
8	Henry C. Ash	59 00	37	Augustus High	51 00
9	Obed Foote	53 00	38	Samuel Jerue	51 00
10	Henry Bradley	53 00	39	John Johnson	51 00
11	William H. Werdebaugh	53 00	40	John Keltz	51 00
12	J. C. Trask	53 00	41	George W. Lamson	51 00
13	H. T. Bailey	53 00	42	William P. Lyman	51 00
14	John Rouse	53 00	43	Charles McKinny	51 00
15	D. T. Bramble	53 00	44	William Miner	51 00
16	Newton Edmunds	53 00	45	John McGuire	51 00
17	James M. Allen	51 00	46	Charles Noland	51 00
18	Henry Arend	51 00	47	Barry Oleson	51 00
19	M. K. Armstrong	51 00	48	George N. Propper	51 00
20	John E. Allen	51 00	49	Thomas C. Power	51 00
21	William Bordeno	51 00	50	Charles F. Picotte	51 00
22	George Brown	51 00	51	Charles F. Rossteuscher	51 00
23	P. V. Brown	51 00	52	P. H. Riseling	51 00
24	John Bradley	51 00	53	J. M. Reed	51 00
25	W. N. Collamer	51 00	54	T. J. Reed	51 00
26	J. W. Evans	51 00	55	Washington Reed	51 00
27	A. D. Fisher	51 00	56	J. S. Presho	51 00
28	James Faucett	51 00	57	J. M. Stone	51 00
29	B. C. Fowler	51 00	58	A. B. Smith	51 00

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Statement of warrants issued for the military expenses, &c.—Continued.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
[illegible]	John Smart	$51 00	139	A. Halverson	$51 00
[illegible]	Henry Strunk	51 00	140	H. Knudson	51 00
[illegible]	John Stanage	51 00	141	J. Knudson	51 00
[illegible]	William Thompson	51 00	142	P. Anderson	51 00
[illegible]	A. Van Oedel	51 00	143	M. Severson	51 00
[illegible]	Rudolph Van Ins	51 00	144	H. Oleson	51 00
[illegible]	[illegible] Wood	51 00	145	Charles Shosa	51 00
[illegible]	Charles Wallace	51 00	146	Otto Oleson	51 00
[illegible]	C. S. White	51 00	147	William Shriner	51 00
[illegible]	James Wetherspoon	51 00	148	P. H. Jewell	51 00
[illegible]	O. B. Wheeler	51 00	149	S. B. Mulholland	51 00
[illegible]	Cosse Bouret	51 00	150	J. P. Mulholland	51 00
[illegible]	L. Oleson	51 00	151	J. A. Jacobson	51 00
[illegible]	—— Skagar	51 00	152	Gustave Jacobson	51 00
[illegible]	—— Egleberson	51 00	153	H. Compton	51 00
[illegible]	Charles Philbrick	51 00	154	E. M. Bond	51 00
[illegible]	Lewis Peterson	51 00	155	Jacob Deuel	51 00
[illegible]	D. W. Reynolds	51 00	156	L. D. Robinson	51 00
[illegible]	William Stevens	51 00	157	M. Wilkinson	51 00
[illegible]	John La Fevire	51 00	158	J. M. Allen	51 00
[illegible]	A. W. Puett	261 00	159	B. Bothun	51 00
[illegible]	A. A. Patridge	221 00	160	H. Wangnas	51 00
[illegible]	John W. Boyle	211 00	161	H. Peterson	51 00
[illegible]	L. Bothun	65 00	162	Mahlon Gore	261 00
[illegible]	F. B. Jewell	59 00	163	S. M. Crooks	221 00
[illegible]	George Demmick	59 00	164	M. M. Rich	211 00
[illegible]	F. M. Thompson	59 00	165	Nels Oleson	65 00
[illegible]	O. B. Larson	51 00	166	Lawrence Degnan	59 00
[illegible]	Frank Verzine	51 00	167	Ole Kettleson	59 00
[illegible]	L. R. Sivalhson	51 00	168	William H. Fate, jr	59 00
[illegible]	C. Ellefson	51 00	169	T. Andrews	51 00
[illegible]	Lewis Larson	51 00	170	Theodore Oleson	51 00
[illegible]	Timon Johnson	51 00	171	M. Munson	51 00
[illegible]	A. Anderson	51 00	172	Ole Halverson	51 00
[illegible]	R. Thorson	51 00	173	H. Townsend	51 00
[illegible]	Nels Nelson	51 00	174	D. Ross	51 00
[illegible]	T. Halverson	51 00	175	F. Furlong	51 00
[illegible]	Iver Larson	51 00	176	Barny Verwick	51 00
[illegible]	E. Ellingson	51 00	177	E. B. Lamoure	51 00
[illegible]	A. Peterson	51 00	178	S. Horton	51 00
[illegible]	Jesse Shriner	51 00	179	Joseph Furlong	51 00
[illegible]	J. Russell	51 00	180	W. W. Friabie	51 00
[illegible]	Ole Anderson	51 00	181	Thomas Fate	51 00
[illegible]	Samuel Thompson	51 00	182	T. C. Watson	51 00
[illegible]	H. K. Vick	51 00	183	Henry Lowe	51 00
[illegible]	C. Larson	51 00	184	Carl Kingaley	51 00
[illegible]	Ole Bottolfson	51 00	185	Ole Kittleson, sr	51 00
[illegible]	A. C. Van Meter	51 00	186	A. Anderson	51 00
[illegible]	H. A. Kennerly	51 00	187	Mons Oleson	51 00
[illegible]	Minor Robinson	51 00	188	Ole Olesou	51 00
[illegible]	J. P. Burgman	51 00	189	H. Mattison	51 00
[illegible]	Frank Taylor	51 00	190	Targe Mitchelson	51 00
[illegible]	M. Larson	51 00	191	Ole Thompson	51 00
[illegible]	John Burt	51 00	192	Halve Nelson	51 00
[illegible]	Peter Nelson	51 00	193	Thomas Oleson	51 00
[illegible]	A. Iverson	51 00	194	A. R. Philips	51 00
[illegible]	A. Garson	51 00	195	William Anderson	51 00
[illegible]	A. Brugier	51 00	196	Methias Larson	51 00
[illegible]	John Brugier	51 00	197	T. Andrews	51 00
[illegible]	John Gedrass	51 00	198	E. Christenson	51 00
[illegible]	C. V. Cordier	51 00	199	Peter Peterson	51 00
[illegible]	Alex. Dombrouse	51 00	200	J. O. Taylor	51 00
[illegible]	Erick Oleson	51 00	201	Lewis Johnson	51 00
[illegible]	Erick Johnson	51 00	202	Thomas J. Watson	51 00
[illegible]	Samuel Lyon	51 00	203	James Fate	51 00
[illegible]	B. W. Collar	51 00	204	Hans Christian	51 00
[illegible]	Henry Omeg	51 00	205	James Oleson	51 00
[illegible]	George W. Pratt	51 00	206	Benjamin Andrews	51 00
[illegible]	G. B. Bigelow	51 00	207	Andrew Tervis	51 00
[illegible]	N. Ross	51 00	208	Albert Gore	51 00
[illegible]	J. Carpenter	51 00	209	W. E. Bonney	51 00
[illegible]	A. Carpenter	51 00	210	Russell Phillips	51 00
[illegible]	H. Gunderson	51 00	211	Rufus Mead	51 00
[illegible]	Sevir Strik	51 00	212	Daniel Gifford	261 00
[illegible]	H. Burgess	51 00	213	S. G. Irish	221 00
[illegible]	M. McCue	51 00	214	N. McDonalds	211 00
[illegible]	P. Eckman	51 00	215	John H. Shober	65 00
[illegible]	Lyman Burgess	51 00	216	M. Metcalf	59 00
[illegible]	James Whitehorn	51 00	217	L. Gates	59 00
[illegible]	J. W. Tawney	51 00	218	W. W. Warford	53 00

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Statement of warrants issued for the military expenses, &c—Continued.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
219	Morris Metcalf	$53 00	279	John Pinckney	$46 00
220	R. M. Johnson	51 00	280	William Bordeno	20 00
221	D. C. Gross	51 00	281	Enos Stutsman	100 00
222	Hugh Fraley	51 00	282	George N. Propper	3 50
223	Benton Fraley	51 00	283	J. Whitcomb	3 65
224	William Hammond	51 00	284	Henry Arend	30 25
225	Charles Cooper	51 00	285	Henry C. Ash	100 00
226	John Bradford	51 00	286	George W. Kingsbury	31 00
227	George L. Tackett	51 00	287	H. Townsend	42 00
228	Daniel McDonald	51 00	288	George N. Propper	31 50
229	George Rounds	51 00	289	William N. Collamer	9 00
230	George Moxsheson	51 00	290	Mahlon Gore	12 50
231	Samuel Hardy	51 00	291	M. U. Hoyt	43 25
232	E. W. Gifford	51 00	292	Henry Arend	1[illegible] 00
233	Croel Gifford	51 00	293	William E. Hamer	63 00
234	James Skinner	51 00	294	H. B. Houghton	27 00
235	Reuben Wallace	51 00	295	Hotchkiss & Whitcomb	100 00
236	Joseph Stager	51 00	296	Paul Pacquite	36 00
237	John F. Hook	51 00	297	John W. Boyle	3 00
238	Jacob Kiel	51 00	298	Lewis Larson	30 00
239	Henry Hartsough	51 00	299	Miles Russell	49 00
240	B. M. Smith	51 00	300	Jacob Deuel	40 00
241	John Brown	51 00	301	Ole Kittleson	59 00
242	Ira Brown	51 00	302	Steven Horton	66 00
243	Sterling S. Parker	51 00	303	Thomas Fate	51 00
244	Jock Napoleon	59 00	304	Theodore Oleson	47 00
245	Peter Lapan	59 00	305	Ole Halverson	49 00
246	William G. Hargis	59 00	306	S. M. Crooks	8 00
247	William Long	51 00	307	Thomas C. Watson	4 00
248	Steven Williams	51 00	308	Henry Lowe	4 00
249	Christopher Arend	51 00	309	Carl Kingsley	4 00
250	Pierre Clermont	51 00	310	Andrew Anderson	4 00
251	Benjamin Gray	51 00	311	Mons Oleson	4 00
252	Jacob Hack	51 00	312	Ole Oleson	4 00
253	Luse Marine	51 00	313	Helge Mattison	4 00
254	Pierre DuPuis	51 00	314	Targe Mitchelson	4 00
255	J. Julianah	51 00	315	Hans Oleson	4 00
256	William Van Osdel	51 00	316	Ole Thompson	4 00
257	Erastus Rowley	51 00	317	Halver Nelson	4 00
258	Mose Arconge	51 00	318	Thomas Oleson	4 00
259	Samuel Van Osdel	51 00	319	William Anderson	4 00
260	J. Arend	51 00	320	Matthew Larson	4 00
261	Charles Young	51 00	321	Erick Christenson	4 00
262	John Young	51 00	322	Peter Peterson	4 00
263	Franklin Wixson	379 75	323	Lewis Johnson	4 00
264	H. D. Booge & Co	2,973 00	324	Hans Christian	4 00
265	Jonathan Brown	88 50	325	A. J. Bell	1[illegible] 00
266	Charles Noland	5 00	326	Peter Le March	45 00
267	William Bordeno	162 00	327	James Maloney	432 63
268	John R. Wood	175 00	328	R. M. Haganan	1,192 00
269	White & Rouse	20 00	329	A. G. Fuller	71 39
270	H. D. Booge & Co	30 00	330	A. G. Fuller	872 00
271	William Tripp	174 00	331	A. G. Fuller	1,[illegible]16 00
272	Picotte & Armstrong	200 00	332	Enos Stutsman	100 00
273	E. B. Wixson	425 00	333	R. M. Hagaman	100 00
274	Seigfred Loeber	75 00	334	George W. Kingsbury	[illegible] 00
275	D. T. Bramble	125 00	335	H. D. Booge and Co	320 00
276	George W. Pratt	4 80	336	Charles P. Booge	1,276 00
277	John C. McBride	18 85			
278	M. M. Rich	95 00		Grand total	28,137 1[illegible]

This expense was necessarily incurred in defending the lives and property of our citi zens from the numerous bands of hostile Indians which infested our Territory during th fall of 1862, before adequate protection was afforded by the Government. I would therefore, recommend that you memorialize Congress for an appropriation of twenty eight thousand one hundred and thirty-seven dollars and seventeen cents, to refund t the Territory the amount expended for the defense of the frontier of Dakota, whic was also affording protection to Northern Nebraska, Northwest Iowa, and Western Minnesota.

All of which is respectfully submitted.

JUSTUS TOWNSEND, *Auditor.*

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Adjutant general's report.

ADJUTANT GENERAL'S OFFICE,
Yankton, Dakota Territory, December 1, 1863.

To HIS EXCELLENCY, GOVERNOR NEWTON EDMUNDS,
Commander-in-Chief of Dakota Militia:

I have the honor to submit this, my first annual report of the military operations coming within the supervision of this department since my appointment by Governor William Jayne, in September, 1862.

By proclamation of the governor, dated August 30, 1862, the militia forces of the Territory were called out to protect the settlements against a threatened invasion of the hostile Sioux; and the following officers were also appointed, who, with the governor, compose the present roster of Dakota militia, to wit: governor and commander-in-chief, Newton Edmunds; adjutant general, Charles P. Booge, brigadier general; quartermaster general, D. T. Bramble, brigadier general; paymaster general, Enos Stutsman, colonel; judge advocate general, J. H. Hanson, colonel; aide-de-camp to governor, R. M. Hagaman, colonel; surgeon general, Justus Townsend, captain; brigade chaplain, Melancthon Hoyt, captain.

The following captains and company officers were also commissioned and ordered to raise and muster five companies of militia with all possible dispatch. In obedience to this call, 266 men were enrolled in companies as herein set forth, to wit:

Company A, (at Yankton:) captain, F. M. Ziebach; first lieutenant, David Fisher; second lieutenant, John Lawrence—79 men.

Company B, (Bon Homme:) captain, D. Gifford; first lieutenant, S. G. Irish; second lieutenant, N. McDonalds—32 men.

Company C, (Vermilion:) captain, A. W. Puett; first lieutenant, A. A. Patridge; second lieutenant, J. W. Boyle—83 men.

Company D: captain, A. J. Bell; first lieutenant, J. M. Somers; second lieutenant, J. R. Wood. (Not reported.)

Company E, (Brulé Creek:) captain, Mahlon Gore; first lieutenant, S. M. Crooks; second lieutenant, M. M. Rich—50 men.

Company F, (mounted rangers:) captain, A. G. Fuller; first lieutenant, James Malony; second lieutenant, Wm. Bordeno—22 men.

The officers of the militia, as above classified, all entered upon the discharge of their duties with commendable promptness and energy, and were zealous and untiring in their efforts at enrolling the militia and gathering the people together in places convenient for self-defense.

By the militia law of the Territory, it is required that the sheriffs of the different counties shall enroll the militia at the time of assessment, after which they will be formed into companies consisting of not less than forty men each.

But the Territory was yet in its infancy, and no enrollment of the militia had ever been made; and now, amid the terror and consternation of the people, without arms or ammunition, in the face of a threatened outbreak of the Sioux Nation, prefaced by the horrid massacre in Minnesota, surely the citizens of Dakota were not in a situation to leave their homes and defenseless families, for the purpose of forming themselves, with drilled precision, into the ranks of new-made companies.

Every able-bodied man relied upon himself and his trusty rifle to defend his household from the nightly expected attack of the knife and the tomahawk, until the isolated settlers could assemble together and throw up their hasty fortifications for mutual protection.

Hence, no official muster-rolls of the militia then in service have ever been properly made to this office, and I am not therefore able, in this report, to furnish your excellency with the real aggregate of the Dakota militia, for the reason that, when the muster was made, many had left the Territory through fear of an Indian war; and I have, therefore, left the matter open for future enrollment, and would respectfully recommend a thorough revision of the militia law, such as will insure a speedy and accurate enumeration, and an organization of the territorial militia, to be armed and equipped, in readiness at all times to meet our frontier foe.

I would also respectfully recommend to your excellency the propriety of the legislature appropriating a small annual amount, sufficient to defray the expense of storing the territorial arms, ammunition, and ordnance, and to pay a suitable officer of the militia, (to be designated by the commander-in-chief,) to act as keeper of the ordnance stores of the Territory.

In November, 1862, twenty-nine tons of these stores were shipped from the Saint Louis arsenal, by Government, to this Territory, and were received and receipted for by your predecessor in office.

A large portion of these arms and ammunition are in the hands of the disbanded militia throughout the Territory, and can be collected by order at any time.

A large amount of ammunition was also necessarily used and damaged during the

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Sioux troubles of 1862-'63; but a major share, however, of these arms and stores, are in the Government store-houses at Yankton and Vermilion, including two six-pound brass field-pieces, (mounted;) 15 boxes of shell and shot; 120 Prussian muskets, and 60,000 rounds of musket cartridges.

Aside from the militia force of the Territory, there have been raised and mustered into the United States service two full companies of Dakota cavalry, numbering in the aggregate 188 men.

Company A was recruited at Yankton, by Captain Nelson Minor, and was mustered into the United States service April 29, 1862, by Lieutenant M. R. Luce, Fourteenth Iowa Volunteer Infantry, numbering 92 men.

Company B was recruited at Elk Point, by William Tripp, and was mustered into the United States service March 31, 1863, by Lieutenant J. A. Hearn, Sixteenth United States Infantry, numbering 86 men.

Since the mustering of these companies into the United States service, the following changes have occurred in the ranks of officers and privates:

Officers at organization.	Strength at organization.	Present officers.	Present strength.	Resigned.	Died.	Discharged.	Drummed out of service.	Recruits.
Company A.		Company A.						
Captain N. Miner	92	Captain N. Miner	87	2	2	5	1	5
First Lieutenant J. K. Fowler	.....	First Lieutenant J. A. Bacon	....	....	....	....	.....	....
Second Lieutenant Ploghoff	.....	Second Lieutenant I. C. Smith	....	....	....	....	.....	....
Company B.		Company B.						
Captain William Tripp	86	Captain William Tripp	89	....	....	....	.....	3
First Lieutenant J. R. Wood	.....	First Lieutenant J. R. Wood	....	....	....	....	.....	....
Second Lieutenant T. E. Clark	.....	Second Lieutenant T. E. Clark	....	....	....	....	.....	....
Total	178	Total	176	2	2	5	1	8

These companies have been constantly stationed upon the border for the protection of the frontier settlements, and have been of incalculable benefit to Dakota, in sustaining the hopes of the people and dispelling a fear which threatened to depopulate our Territory, at a time when the settlements were menaced by a barbarous foe, and the Government was unable to assist us with timely re-enforcements.

During the past year these two companies of cavalry have been scouting in detachments through most of the ceded lands in the Territory, and their frequent inroads upon the Indian grounds have done much to admonish the savages and restore peace and security to our settlements.

I have the honor to remain, sir, your most obedient servant,

C. P. BOOGE,
Adjutant General, Dakota Militia.

WAR DEPARTMENT,
Washington, D. C., March 22, 1871.

SIR: In reply to your letter of the 17th instant, inclosing copy of a report of the auditor of Dakota Territory, setting forth certain expenses alleged to have been incurred in defending the lives and property of citizens of that Territory from Indians during the fall of 1862, and inquiring what steps are necessary to take to procure an adjustment of the claim, I have the honor to inform you, that no authority from the Government seems to have been asked or obtained to call out the militia in question, and the force does not appear to have been placed subject to the orders of the United States through any officer in the military service. This Department, therefore, has no authority to pay such claims, and no State or Territory has been paid them, unless they were connected with service rendered under military commanders of the United States, or in co-operation with United States forces.

Your only course is to apply to Congress for special legislation in the matter. A copy of the act relative to the Montana militia claims is herewith inclosed for your information.

Very respectfully, your obedient servant,

W. W. BELKNAP,
Secretary of War.

Official copy:

THOMAS M. VINCENT,
Assistant Adjutant General.

Hon. M. K. ARMSTRONG,
House of Representatives.

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WAR DEPARMMENT,
Adjutant General's Office, March 23, 1872.

Respectfully returned to the Secretary of War. August 30, 1862, by proclamation of the governor of Dakota, the militia forces of the Territory were called out to protect the settlements against a threatened invasion of hostile Sioux; this, without the authority of the Government being asked or obtained.

The force does not appear to have been placed subject to the orders of the United States, nor was it commanded by any officer in the United States military service.

March 17, 1871, Hon. M. K. Armstrong, Delegate from Dakota, presented the matter to the Secretary of War, and, on the report of the Adjutant General, he was answered by letter dated March 22, 1871; see letter herewith.

Nothing further appears in the case.

E. D. TOWNSEND,
Adjutant General.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 231.

OFFICERS AND EMPLOYÉS OF THE QUARTERMASTER'S DEPARTMENT.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

Officers and employés of the Quartermaster's Department.

APRIL 2, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *March* 30, 1872.

The Secretary of War has the honor to transmit to the House of Representatives a communication and accompanying papers from the Quartermaster General, showing the stations and duties of all the officers of his Bureau; the officers of the line of the Army detailed as acting assistant quartermasters, and the posts where they are on duty; the number of enlisted men on extra duty, the character of their employment, and their total monthly pay; and also like information of the civilians employed in his Bureau. Prepared in response to a direct request from the Committee on Military Affairs of the House, of the 19th instant.

WM. W. BELKNAP,
Secretary of War.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C., March 19, 1872.

DEAR SIR: I have the honor to request that you will furnish this committee with the following information:

* * * * * * *

III. The number of enlisted men employed on extra duty in your department, classified so as to show the occupation in which they are engaged, and their total monthly pay.

IV. Like information with respect to the civilians employed in the Department.

Very respectfully, your obedient servant,

JOHN COBURN.

Brig. Gen. M. C. MEIGS,
Quartermaster General, U. S. A.

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WAR DEPARTMENT,
QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., March 25, 1872.

SIR: In reply to your request of the 19th instant, I have the honor to transmit statements as follows:

1. A list of the officers of the Quartermaster's Department, with the designation of their stations and duties.

2. A list of the officers of the line, detailed for duty as acting assistant quartermasters, showing also the posts where they are on duty.

3. A statement showing the number of enlisted men employed on extra duty in this Department, classified so as to show the occupation in which they are engaged, and their total monthly compensation.

4. A statement showing the number of civilians employed in the Quartermaster's Department, with their occupation and aggregate monthly pay.

I have the honor to be, sir, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster General, Brevet Major General, U. S. A.

Hon. JOHN COBURN,
Chairman of Committee on Military Affairs,
House of Representatives.

I.

ADDRESSES AND STATIONS OF OFFICERS OF THE QUARTERMASTER'S DEPARTMENT, 1ST MARCH, 1872.

QUARTERMASTER GENERAL.

Brigadier General M. C. Meigs, Washington, District of Columbia; absent on inspection duty.

COLONELS AND ASSISTANT QUARTERMASTERS GENERAL.

Robert Allen, Quartermaster General's Office, Washington, District of Columbia; on duty as Acting Quartermaster General.

D. H. Rucker, chief quartermaster Military Division of the Missouri, Chicago, Illinois.

Rufus Ingalls, chief quartermaster Department of the East, and in charge of depot, New York City.

LIEUTENANT COLONELS AND DEPUTY QUARTERMASTERS GENERAL.

L. C. Easton, chief quartermaster Department of the Missouri, Fort Leavenworth, Kansas.

S. Van Vliet, chief quartermaster Military Division of the Atlantic, and in charge of depot and Schuylkill arsenal, Philadelphia, Pennsylvania.

J. C. McFerran, chief quartermaster Department of the South, Louisville, Kentucky.

S. B. Holabird, chief quartermaster Department of Dakota, St. Paul, Minnesota. (Temporarily at Washington, District of Columbia.)

R. O. Tyler, chief quartermaster Military Division of the Pacific, San Francisco, California.

C. H. Tompkins, awaiting orders, San Francisco, California.

J. A. Ekin, chief quartermaster Department of Texas, San Antonio, Texas.

Fred. Myers, chief quartermaster District of New Mexico, Santa Fé, New Mexico.

MAJORS AND QUARTERMASTERS.

A. Montgomery, Buffalo, New York.

Tredwell Moore, Fort Adams, Rhode Island.

H. C. Ransom, Fort Shaw, Montana Territory.

A. R. Eddy, chief quartermaster Department of the Gulf, New Orleans, Louisiana.

Rufus Saxton, chief quartermaster Department of the Columbia, Portland, Oregon; absent at Washington, District of Columbia, settling accounts.

J. D. Bingham, Quartermaster General's Office, Washington, District of Columbia.

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A. J. Perry, chief quartermaster Department of the Platte, Omaha, Nebraska.
H. C. Hodges, chief quartermaster Third Quartermaster's District, Department of the East, Philadelphia, Pennsylvania.
J. G. Chandler, chief quartermaster Second Quartermaster's District, Department of the East, Boston, Massachusetts.
C. G. Sawtelle, chief quartermaster Department of California, San Francisco, California.
J. J. Dana, chief quartermaster Department of Arizona, Prescott, Arizona Territory.
J. A. Potter, chief quartermaster Department of the Lakes, Detroit, Michigan.
R. N. Batchelder, chief quartermaster First Quartermaster's District, Department of the East, New York City.
M. I. Ludington, Quartermaster General's Office, Washington, District of Columbia.
J. M. Moore, in charge of depot, Fort Leavenworth, Kansas.
James Belger, under orders for duty at Galveston, Texas.

CAPTAINS AND ASSISTANT QUARTERMASTERS.

William Myers, in charge of depot, Washington, District of Columbia.
C. W. Thomas, settling his accounts, Washington, District of Columbia.
H. M. Enos, on sick leave. Address, Waukesha, Wisconsin.
B. C. Card, in charge of depot, San Antonio, Texas.
C. A. Reynolds, Cheyenne, Wyoming Territory.
G. B. Dandy, Fort Abercrombie, Dakota Territory.
George H. Weeks, Saint Louis, Missouri.
E. B. Carling, Fort Monroe, Virginia.
W. B. Hughes, Ogden, Utah Territory.
A. G. Robinson, Fort Hays, Kansas.
E. D. Baker, awaiting orders, San Francisco, California.
H. W. Janes, Fort Vancouver, Washington Territory; also acting chief quartermaster Department of the Columbia, Portland, Oregon.
Henry Inman, settling accounts, Fort Harker, Kansas.
J. G. C. Lee, Yuma depot, Arizona Territory.
James Gilliss, Chicago, Illinois.
T. J. Eckerson, on sick leave. Address, Chester, Pennsylvania.
A. J. McGonnigle, Fort Union, New Mexico.
E. B. Grimes, Fort Wingate, New Mexico.
J. W. Scully, Sioux City, Iowa.
W. T. Howell, Fort Griffin, Texas.
C. W. Foster, under orders to report to commanding general Military Division of the Missouri for duty. Address care of chief quartermaster, Chicago, Illinois.
G. W. Bradley, Charleston, South Carolina.
S. F. Barstow, on duty as aide-de-camp, headquarters Military Division of the Atlantic, Philadelphia, Pennsylvania.
J. H. Belcher, Omaha, Nebraska.
E. B. Kirk, Camp Supply, I. T.
A. S. Kimball, Fort Riley, Kansas.
A. F. Rockwell, Fort Sill, Indian Territory.
G. C. Smith, San Francisco, California.
T. B. Hunt, No. 119 Broadway, Cincinnati, Ohio.
E. J. Strang, Brownsville, Texas.
N. S. Constable, San Antonio, Texas.
J. V. Furey, Ehrenberg, Arizona Territory.
L. C. Forsyth, Fort Ellis, Montana Territory.
C. H. Hoyt, in charge depot, Jeffersonville, Indiana.
A. P. Blunt, Fort Buford, Dakota Territory.

CAPTAINS AND MILITARY STORE-KEEPERS.

R. M. Potter, acting assistant quartermaster, Pittsburgh, Pennsylvania.
C. A. Alligood, acting assistant quartermaster, Baltimore, Maryland.
J. F. Rodgers, Jeffersonville, Indiana.
G. A. Hull, acting assistant quartermaster, Fort Sanders, Wyoming Territory.
G. H. A. Dimpfel, Prescott, Arizona Territory, under orders to appear before a retiring board at San Francisco, California.
N. D. A. Sawyer, acting assistant quartermaster, Victoria, Texas.
John Livers, Fort Leavenworth, Kansas.
H. Lieber, Fort Snelling, Minnesota.
V. P. Van Antwerp, Philadelphia, Pennsylvania.
Addison Barrett, Yerba Buena Island, San Francisco Harbor, California.
W. P. Martin, Columbia, South Carolina.

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II.

QUARTERMASTER GENERAL'S OFFICE.

Brigadier General M. C. Meigs, Quartermaster General; absent on inspection duty.
Colonel Robert Allen, assistant quartermaster general, on duty as Acting Quartermaster General.
Major J. D. Bingham, quartermaster.
Major M. I. Ludington, quartermaster.

GENERAL DEPOTS, ESTABLISHED BY G. O. 32, H. Q. A., APRIL 8, 1869.

New York.

Colonel Rufus Ingalls, assistant quartermaster general, in charge.

Philadelphia and Schuylkill Arsenal.

Lieutenant Colonel Stewart Van Vliet, deputy quartermaster general, in charge.
Captain V. P. Van Antwerp, military store-keeper.

Washington, D. C.

Captain William Myers, assistant quartermaster, in charge.

Jeffersonville, Indiana.

Captain C. H. Hoyt, assistant quartermaster, in charge.
Captain John F. Rodgers, military store-keeper.

MILITARY DIVISION OF THE ATLANTIC.

Headquarters, Philadelphia, Pennsylvania.

Lieutenant Colonel S. Van Vliet, deputy quartermaster general, chief quartermaster.

DEPARTMENT OF THE EAST.

Headquarters, New York City.

Colonel Rufus Ingalls, assistant quartermaster general, chief quartermaster.
Major Tredwell Moore, quartermaster, Fort Adams, Rhode Island.
Major H. C. Hodges, quartermaster, chief quartermaster Third Quartermaster's District, Department of the East, Philadelphia, Pennsylvania.
Major J. G. Chandler, quartermaster, chief quartermaster Second Quartermaster's District, Department of the East, Boston, Massachusetts.
Major R. N. Batchelder, quartermaster, chief quartermaster First Quartermaster's District, Department of the East, New York City.
Captain E. B. Carling, assistant quartermaster, Fort Monroe, Virginia.
Captain R. M. Potter, military store-keeper, acting assistant quartermaster, Pittsburgh, Pennsylvania.
Captain C. A. Alligood, military store-keeper. Acting assistant quartermaster, Baltimore, Maryland.

DEPARTMENT OF THE LAKES.

Headquarters, Detroit, Michigan.

Major J. A. Potter, quartermaster, chief quartermaster.
Major A. Montgomery, quartermaster, Buffalo, New York.

DEPARTMENT OF THE SOUTH.

Headquarters, Louisville, Kentucky.

Lieutenant Colonel J. C. McFerran, deputy quartermaster general, chief quartermaster.
Captain G. W. Bradley, assistant quartermaster, Charleston, South Carolina.
Captain William P. Martin, military store-keeper, Columbia, South Carolina.

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DEPARTMENT OF THE GULF.

Headquarters, New Orleans, Louisiana.

Major A. R. Eddy, quartermaster, chief quartermaster.

MILITARY DIVISION OF THE MISSOURI.

Headquarters, Chicago, Illinois.

Colonel D. H. Rucker, assistant quartermaster general, chief quartermaster.
Captain Geo. H. Weeks, assistant quartermaster, St. Louis, Missouri.
Captain James Gilliss, assistant quartermaster, Chicago, Illinois.
Captain C. W. Foster, assistant quartermaster. Address, care of chief quartermaster, Chicago, Illinois.

DEPARTMENT OF THE MISSOURI.

Headquarters, Fort Leavenworth, Kansas.

Lieutenant Colonel L. C. Easton, deputy quartermaster general, chief quartermaster.
Lieutenant Colonel Fred. Myers, deputy quartermaster general, chief quartermaster District of New Mexico, Santa Fé, New Mexico.
Major James M. Moore, quartermaster, in charge depot, Fort Leavenworth, Kansas.
Captain A. G. Robinson, assistant quartermaster, Fort Hays, Kansas.
Captain A. J. McGonnigle, assistant quartermaster, Fort Union, New Mexico.
Captain E. B. Grimes, assistant quartermaster, Fort Wingate, New Mexico.
Captain E. B. Kirk, assistant quartermaster, Camp Supply, I. T.
Captain A. S. Kimball, assistant quartermaster, Fort Riley, Kansas.
Captain John Livers, military store-keeper, Fort Leavenworth, Kansas.

DEPARTMENT OF THE PLATTE.

Headquarters, Omaha, Nebraska.

Major A. J. Perry, quartermaster, chief quartermaster.
Captain C. A. Reynolds, assistant quartermaster, Cheyenne, Wyoming Territory.
Captain William B. Hughes, assistant quartermaster, Ogden, Utah Territory.
Captain J. H. Belcher, assistant quartermaster, Omaha, Nebraska.
Captain G. A. Hull, military store-keeper, acting assistant quartermaster, Fort Sanders, Wyoming Territory.

DEPARTMENT OF DAKOTA.

Headquarters, St. Paul, Minnesota.

Lieutenant Colonel S. B. Holabird, deputy quartermaster general, chief quartermaster. (Temporarily at Washington, District of Columbia.)
Major H. C. Ransom, quartermaster, Fort Shaw, Montana Territory.
Captain G. B. Dandy, assistant quartermaster, Fort Abercrombie, Dakota Territory.
Captain Henry Inman, assistant quartermaster, settling accounts, Fort Abercrombie, Dakota Territory, absent temporarily at Fort Harker, Kansas.
Captain J. W. Scully, assistant quartermaster, Sioux City, Iowa.
Captain L. C. Forsyth, assistant quartermaster, Fort Ellis, Montana Territory.
Captain A. P. Blunt, assistant quartermaster, Fort Buford, Dakota Territory.
Captain H. Lieber, military store-keeper, Fort Snelling, Minnesota.

DEPARTMENT OF TEXAS.

Headquarters, San Antonio, Texas.

Lieutenant Colonel J. A. Ekin, deputy quartermaster general, chief quartermaster.
Major James Belger, quartermaster. Under orders for duty at Galveston, Texas.
Captain B. C. Card, assistant quartermaster, in charge of depot, San Antonio, Texas.
Captain W. T. Howell, assistant quartermaster, Fort Griffin, Texas.
Captain A. F. Rockwell, assistant quartermaster, Fort Sill, Indian Territory.
Captain E. J. Strang, assistant quartermaster, Brownsville, Texas.
Captain N. S. Constable, assistant quartermaster. On special duty, San Antonio, Texas.
Captain N. D. A. Sawyer, military store-keeper, Victoria, Texas.

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MILITARY DIVISION OF THE PACIFIC.

Headquarters, San Francisco, California.

Lieutenant Colonel R. O. Tyler, deputy quartermaster general, chief quartermaster.

DEPARTMENT OF CALIFORNIA.

Headquarters, San Francisco, California.

Major C. G. Sawtelle, quartermaster, chief quartermaster.
Captain G. C. Smith, assistant quartermaster, San Francisco, California.
Captain Addison Barrett, military store-keeper, Yerba Buena Island, San Francisco Harbor, California.

DEPARTMENT OF ARIZONA.

Headquarters, Prescott, Arizona.

Major J. J. Dana, quartermaster, chief quartermaster.
Captain J. G. C. Lee, assistant quartermaster, Yuma Depot, Arizona Territory.
Captain John V. Furey, assistant quartermaster, Ehrenberg, Arizona Territory.
G. H. A. Dimpfel, military store-keeper, Prescott, Arizona Territory, under orders to appear before a retiring board at San Francisco, California.

DEPARTMENT OF THE COLUMBIA.

Headquarters, Portland, Oregon.

Major R. Saxton, quartermaster, chief quartermaster, absent at Washington, District of Columbia, settling accounts.
Captain H. W. Janes, assistant quartermaster, Fort Vancouver, Washington Territory; also, acting chief quartermaster, Department of the Columbia, Portland, Oregon.

MISCELLANEOUS.

Lieutenant Colonel C. H. Tompkins, deputy quartermaster general, awaiting orders, San Francisco, California.
Captain C. W. Thomas, assistant quartermaster, settling his accounts, Washington, District of Columbia.
Captain H. M. Enos, on sick leave. Address, Waukesha, Wisconsin.
Captain E. D. Baker, assistant quartermaster, awaiting orders, San Francisco, California.
Captain T. J. Eckerson, assistant quartermaster. On sick leave, Chester, Pennsylvania.
Captain S. F. Barstow, assistant quartermaster, on duty as aid-de-camp, headquarters Military Division of the Atlantic, Philadelphia, Pennsylvania.
Captain Thomas B. Hunt, assistant quartermaster, awaiting promulgation of the action of court-martial. Address, No. 119 Broadway, Cincinnati, Ohio.

By order of the Quartermaster General:

J. D. BINGHAM, *Quartermaster.*

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., March 1, 1872.

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List of names and stations of officers of the line detailed for duty as acting assistant quartermasters.

No.	Name and regiment.	Station.
1	Anderson, John, second lieutenant Eighteenth Infantry	Newberry, S. C.
2	Armstrong, R. G., second lieutenant First Infantry	Fort Porter, Buffalo, N. Y.
3	Austin, Albert, second lieutenant Fourteenth Infantry	Sidney barracks, Nebr.
4	Aldrich, Bishop, first lieutenant and regimental quartermaster Eighth Infantry.	David's Island, New York Harbor.
5	Adams, John B., first lieutenant First Cavalry	Camp Warner, Oreg.
6	Arnold, Isaac, captain ordnance	Allegheny arsenal, Pa.
7	Allison, James N., second lieutenant Second Cavalry	North Platte, Nebr.
8	Barnhart, F. H., second lieutenant Eighteenth Infantry	Sumter, S. C.
9	Bancroft, E. A., first lieutenant and regimental quartermaster Fourth Artillery.	Fort McHenry, Md.
10	Beebe, William S., first lieutenant ordnance	Watervliet arsenal, West Troy, N. Y.
11	Bennett, C. E., captain Seventeenth Infantry	Grand River Agency, Dak.
12	Burnett, L. F., second lieutenant Seventh Infantry	Fort Benton, Mont.
13	Bonsall, S. W., first lieutenant Third Infantry	Fort Reynolds, Colo.
14	Brinckle, John R., first lieutenant Fifth Artillery	Fort Warren, Mass.
15	Bates, R. F., second lieutenant Eighteenth Infantry	Chester, S. C.
16	Bailey, E. L., second lieutenant Fourth Infantry	Paducah, Ky.
17	Brown, R. P., second lieutenant Fourth Infantry	Lexington, Ky.
18	Butler, William P., second lieutenant ordnance	Rock Island arsenal, Ill.
19	Bascom, George M., first lieutenant and regimental quartermaster Thirteenth Infantry.	Fort Fred. Steele, Wyo.
20	Booth, Charles A., second lieutenant First Infantry	Fort Brady, Mich.
21	Bannister, John, second lieutenant Twentieth Infantry	Fort Ransom, Dak.
22	Bacon, George R., second lieutenant First Cavalry	Camp Halleck, Nev.
23	Blair, Thomas, first lieutenant Fifteenth Infantry	Fort Bayard, N. Mex.
24	Campbell, Charles E., second lieutenant Third Infantry	Fort Larned, Kans.
25	Carland, John, first lieutenant and regimental quartermaster Sixth Infantry.	Fort Gibson, Ind. T.
26	Craigie, D. J., first lieutenant Twelfth Infantry	Angel Island, Cal.
27	Coe, John N., captain Twentieth Infantry	Fort Totten, Dak.
28	Cranston, John R., second lieutenant Tenth Infantry	Brazos, Santiago, Tex.
29	Clark, E. R., second lieutenant Tenth Infantry	Austin, Tex.
30	Chamberlain, H. B., second lieutenant Tenth Infantry	Fort McIntosh, Tex.
31	Chamberlin, L. A., first lieutenant First Artillery	Fort Wadsworth, New York Harbor.
32	Campbell, William J., second lieutenant Twenty-second Infantry.	Fort Randall, Dak.
33	Clague, John J., first lieutenant Twelfth Infantry	Fort Yuma, Cal.
34	Custer, B. M., second lieutenant Twenty-fourth Infantry	Fort Davis, Tex.
35	Cavenaugh, H. G., first lieutenant Thirteenth Infantry	Camp Douglas, Utah.
36	Courtney, M. L., first lieutenant Twenty-fifth Infantry	Fort Duncan, Tex.
37	Calhoun, James, first lieutenant Seventh Cavalry	Elizabethtown, Ky.
38	Duff, George, second lieutenant First Infantry	Fort Gratiot, Mich.
39	Deshler, George W., second lieutenant First Artillery	Fort Ontario, N. Y.
40	De Lany, C. M., second lieutenant Fifteenth Infantry	Fort Bascom, N. Mex.
41	Dove, William E., first lieutenant Twelfth Infantry	Camp Independence, Cal.
42	Dudley, E. S., second lieutenant Second Artillery	Cape Disappointment, Wash.
43	Davis, Charles L., first lieutenant Tenth Infantry	Ringgold barracks, Tex.
44	Everett, William, second lieutenant Fourth Artillery	Fort Washington, Md.
45	Elderkin, Wm. A., captain and commissary of subsistence.	Denver, Colo.
46	Eastman, James E., first lieutenant Second Artillery	Alcatraz Island, Cal.
47	Ebstein, F. H. E., second lieutenant Twenty-first Infantry.	Camp Date Creek, Ariz.
48	Egbert, A. R., second lieutenant Second Infantry	Tallahassee, Fla.
49	Engle, John B., first lieutenant Fifteenth Infantry	Fort Craig, N. Mex.
50	Fuger, Fred., first lieutenant Fourth Artillery	Fort Foote, Md.
51	Fleming, William W., first lieutenant Twelfth Infantry	Beale's Springs, Ariz.
52	Fechét, E. O., second lieutenant Second Artillery	Fort Stevens, Oreg.
53	Guthrie, John B., first lieutenant Thirteenth Infantry	Camp Brown, Wyo.
54	Gibbs, E. B., first lieutenant Sixth Infantry	Louisville, Ky., (office chief quartermaster Department of the South.)
55	Grimes, George S., first lieutenant Second Artillery	Fort Whipple, Va.
56	Grealish, M. J., captain and ordnance store keeper.	Pikesville arsenal, Md.
57	Greene, A. P., first lieutenant Fourth Artillery	Fort Macon, N. C.
58	Garvey, Thomas, second lieutenant First Cavalry	Camp McDowell, Ariz.
59	Godwin, E. A., second lieutenant Eighth Cavalry	Fort Selden, N. Mex.
60	Grant, Alexander, first lieutenant First Cavalry	Camp Verde, Ariz.
61	Gallagher, M. F., second lieutenant Second Infantry	Spartanburgh, S. C.
62	Humphrey, Charles F., first lieutenant Fourth Artillery	Fort Johnson, N. C.
63	Hamner, William H., second lieutenant Twentieth Infantry	Fort Ripley, Minn.
64	Harwood, Paul, first lieutenant Twentieth Infantry	Fort Pembina, Dak.
65	Hathaway, F. H., second lieutenant and regimental quartermaster Fifth Infantry.	Fort Leavenworth, Kans.
66	Hayes, E. M., first lieutenant and regimental quartermaster Fifth Cavalry.	Fort McPherson, Nebr.
67	Hunter, Ed., first lieutenant and regimental quartermaster First Cavalry.	Benicia barracks, Cal.
68	Howard, O. H., second lieutenant Fifth Artillery	Fort Trumbull, Conn.
69	Hart, Daniel, first lieutenant Twenty-fifth Infantry	Fort Bliss, Tex.
70	Hall, R. M., first lieutenant and regimental quartermaster First Artillery.	Fort Hamilton, New York Harbor.

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List of names and stations of officers of the line detailed for duty, &c.—Continued.

No.	Name and regiment.	Station.
71	Harrold, C. W., first lieutenant Third Artillery	Fort Pulaski, Ga.
72	Hoyt, George S., second lieutenant Eighteenth Infantry	Atlanta, Ga., and in charge of national cemeteries at Andersonville and Marietta, Ga.
73	Hobbs, Charles W., second lieutenant Third Artillery	Key West, Fla.
74	Hill, R. M., captain ordnance	Indianapolis arsenal, Ind.
75	Hubbard, E. B., first lieutenant Second Artillery	Camp San Juan Island, Wash.
76	Haughey, James A., first lieutenant Twenty-first Infantry	Ehrenberg, Ariz.
77	Halloran, James, first lieutenant Twelfth Infantry	Camp Wright, Cal.
78	Ingersoll, Ed., major and provost marshal and ordnance store-keeper.	National Armory, Springfield, Mass.
79	Ives, R. A., second lieutenant Fifth Artillery	Fort Preble, Me.
80	Jones, F. B., first lieutenant and regimental quartermaster Third Infantry.	Fort Wallace, Kans.
81	Johnson, John L., first lieutenant and regimental quartermaster Twenty-first Infantry.	Tucson depot, Ariz.
82	Jordan, Charles, second lieutenant Sixteenth Infantry	Jackson, Miss.
83	Jacob, R. T., jr., second lieutenant Sixth Infantry	Fort Dodge, Kans.
84	Keeffe, Joseph, first lieutenant Fifth Artillery	Plattsburgh barracks, N. Y.
85	Kingsbury, George W., second lieutenant Twelfth Infantry	Camp Gaston, Cal.
86	Kress, John A., first lieutenant ordnance	Vancouver arsenal, Wash.
87	Kingsbury, H. P., second lieutenant Sixth Cavalry	Saltillo, Miss.
88	Kraszyuski, M., second lieutenant Twelfth Infantry	Camp Mojave, Ariz.
89	Kendall, H. M., first lieutenant Sixth Cavalry	Oxford, Miss.
90	Leefe, John G., first lieutenant and regimental quartermaster Nineteenth Infantry.	Baton Rouge, La.
91	Lord, Thomas W., first lieutenant and regimental quartermaster Twentieth Infantry.	Fort Snelling, Minn.
92	Lord, James H., first lieutenant and regimental quartermaster Second Artillery.	Presido San Francisco, Cal.
93	Lafferty, John, first lieutenant Eighth Cavalry	Fort Union, N. Mex.
94	Larned, Charles W., second lieutenant Seventh Cavalry	Louisville, Ky.
95	McNutt, John, major ordnance	Columbus arsenal, Ohio.
96	Miller, James, first lieutenant and regimental quartermaster Second Infantry.	Mobile, Ala.
97	Michaelis, O. E., first lieutenant ordnance	Watertown arsenal, Mass.
98	Moore, Francis, first lieutenant and regimental quartermaster Ninth Cavalry.	Fort Stockton, Tex.
99	McDermott, Geo. B., second lieutenant Twenty-third Infantry	Fort Boisé, Idaho.
100	McCauley, C. A. H., second lieutenant Third Artillery	Savannah, Ga.
101	McIntyre, A., second lieutenant Second Infantry	Chattanooga, Tenn.
102	MacNutt, Ira, second lieutenant Third Artillery	Barrancas, Fla.
103	McDougall, T. M., first lieutenant Seventh Cavalry	Unionville, S. C.
104	McDermott, George, first lieutenant Fifth Infantry	Newport barracks, Ky.
105	Morton, Alfred, first lieutenant and regimental quartermaster Ninth Infantry.	Fort D. A. Russell, Wyo.
106	McCrea, Tully, captain First Artillery	West Point, N. Y.
107	Moss, H. N., first lieutenant First Cavalry	For Klamath, Oreg.
108	Mackay, William S., second lieutenant Third Infantry	Fort Lyon, Colo.
109	Northup, E. B., first lieutenant Seventeenth Infantry	Fort Stevenson, Dak.
110	Nave, A. H., second lieutenant Seventh Cavalry	Shelbyville, Ky.
111	Osgood, H. B., first lieutenant Third Artillery	Fort Jefferson, Fla.
112	O'Brien, John J., second lieutenant Fourth Infantry	Mount Sterling, Ky.
113	O'Brien, L. M., first lieutenant Seventeenth Infantry	Cheyenne agency, Dak.
114	Pollock, Robert, first lieutenant Twenty-first Infantry	Fort Vancouver, Wyo.
115	Prince, William, first lieutenant ordnance	Frankford arsenal, Pa.
116	Palfrey, C. F., second lieutenant First Artillery	Madison barracks, Sackett's Harbor, N. Y.
117	Parnell, William R., first lieutenant First Cavalry	Camp Harvey, Oreg.
118	Quimby, H. B., first lieutenant and regimental quartermaster Twenty-fifth Infantry.	Fort Clark, Tex.
119	Quinn, Thomas F., first lieutenant Fourth Infantry	Frankfort, Ky.
120	Quinby, Ira, first lieutenant and regimental quartermaster Eleventh Infantry.	Fort Griffin, Tex.
121	Rollins, James H., captain ordnance	Augusta arsenal, Ga.
122	Raphall, A. M., second lieutenant Eleventh Infantry	Fort Concho, Tex.
123	Richards, William V., first lieutenant and regimental quartermaster Sixteenth Infantry.	Nashville, Tenn.
124	Reedy, William J., first lieutenant Twenty-second Infantry.	Lower Brulé agency, Dak.
125	Rutherford, R. G., second lieutenant Twelfth Infantry	Fort Columbus, N. Y. Harbor.
126	Randall, E. L., first lieutenant Fifth Infantry	Fort Harker, Kans.
127	Reed, H. A., second lieutenant Second Artillery	Camp McDermit, Nev.
128	Rice, William F., first lieutenant Twenty-third Infantry	Fort Colville, Wash.
129	Robinson, Fred., first lieutenant Fifth Artillery	Fort Independence, Mass.
130	Rexford, William H., captain and ordnance store-keeper	Mount Vernon arsenal, Ala.
131	Ropes, James M., first lieutenant Eighth Cavalry	Fort Garland, Colo.
132	Rawolle, W. C., first lieutenant and regimental quartermaster Second Cavalry.	Omaha barracks, Nebr.
133	Rheem, E. B., second lieutenant Twenty-first Infantry	Fort Whipple, Ariz.
134	Rogers, B. H., first lieutenant Thirteenth Infantry	Fort Bridger, Wyo.
135	Robinson, Thomas B., first lieutenant Nineteenth Infantry	Little Rock, Ark.

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List of names and stations of officers of the line detailed for duty, &c.—Continued.

No.	Name and regiment.	Station.
136	Robinson, F. C., second lieutenant Second Cavalry	Camp Stambaugh, Wyo.
137	Ross, William J., second lieutenant Twenty-first Infantry	In the field, Ariz., with General Crook's command.
138	Romeyn, Henry, first lieutenant Fifth Infantry	Fort Scott, Kans.
139	Rosencrantz, F., first lieutenant Sixteenth Infantry	Aberdeen, Miss.
140	Rockwell, C. H., second lieutenant Fifth Cavalry	Camp Grant, Ariz.
141	Sherwood, William L., second lieutenant Twenty-first Infantry.	Camp Crittenden, Ariz.
142	Sharp, Thomas, first lieutenant First Infantry	Fort Mackinac, Mich.
143	Smith, Lewis, first lieutenant and regimental quartermaster Third Artillery.	Charleston, S. C.
144	Sheetz, J. A., first lieutenant Fourth Infantry	Lebanon, Ky.
145	Scott, John, second lieutenant Fourth Infantry	Crab Orchard, Ky.
146	Shelby, Isaac O., second lieutenant Sixteenth Infantry	Vicksburgh, Miss., in charge of national cemeteries at Vicksburgh and Natchez.
147	Stone, E. W., first lieutenant Twenty-first Infantry	Drum Barracks, Cal.
148	Steele, George W., first lieutenant and regimental quartermaster Fourteenth Infantry.	Fort Laramie, Wyo.
149	Stewart, William F., first lieutenant Fourth Artillery	Raleigh, N. C.
150	Slade, Charles E., second lieutenant Fifteenth Infantry	Fort Stanton, N. Mex.
151	Sanbourne, M. C., second lieutenant Seventh Infantry	Camp Baker, Mont.
152	Saxton, M. W., second lieutenant Twenty-fourth Infantry	Fort Quitman, Tex.
153	Sheldon, George W., first lieutenant Fourth Artillery	Rutherfordton, N. C.
154	Sherman, J. L., first lieutenant First Artillery	Fort Niagara, N. Y.
155	Shelton, E. H., second lieutenant First Cavalry	Fort Lapwai, Idaho.
156	Sarson, H. B., second lieutenant Second Infantry	Huntsville, Ala.
157	Smith, H. M., captain Twenty-first Infantry	Camp Bowie, Ariz.
158	Shorkley, George, captain Fifteenth Infantry	Fort McRae, N. Mex.
159	Sherman, H. P., second lieutenant Fifteenth Infantry	Fort Cummings, N. Mex.
160	Tyler, John, first lieutenant and regimental quartermaster First Infantry.	Fort Wayne, Mich.
161	Taylor, A. C., first lieutenant Second Artillery	Sitka, Alaska.
162	Taylor, Frank, second lieutenant Fourteenth Infantry	Fort Fetterman, Wyo.
163	Thorne, P. M., first lieutenant Twenty-second Infantry	Fort Sully, Dak.
164	Thomas, Evan, captain Fourth Artillery	Charlotte, N. C.
165	Todd, John W., major ordnance	Detroit arsenal, Mich.
166	Theller, E. R., first lieutenant Twenty-first Infantry	Camp Hualpai, Ariz.
167	Upham, F. K., first lieutenant First Cavalry	Camp Apache, Ariz.
168	Vedder, S. C., second lieutenant Nineteenth Infantry	Jackson barracks, La.
169	Van Horne, William M., first lieutenant and regimental quartermaster Seventeenth Infantry.	Fort Rice, Dak.
170	Vose, William P., first lieutenant Second Artillery	Point San José, Cal.
171	Ward, H. C., first lieutenant Sixteenth Infantry	Saint Augustine, Fla.
172	Wilson, George S., second lieutenant Twelfth Infantry	Fort Hall, Idaho.
173	Walton, John M., first lieutenant and regimental quartermaster Fourth Cavalry.	Fort Richardson, Tex.
174	Wood, O. E., first lieutenant Fifth Artillery	Fort Sullivan, Eastport, Me.
175	Whitehead, F. F., first lieutenant Eighteenth Infantry	Yorkville, S. C.
176	Webster, Isaac T., first lieutenant First Artillery	Fort Wood, N. Y. Harbor.
177	Whiteall, Samuel R., second lieutenant Sixteenth Infantry	Humboldt, Tenn.
178	Winters, William H., first lieutenant First Cavalry	Camp Bidwell, Cal.
179	Williams, William M., second lieutenant Nineteenth Infantry.	Holly Springs, Miss.
180	Wishart, Alexander, first lieutenant Twentieth Infantry	Fort Wadsworth, Dak.
181	Dutton, C. E., first lieutenant ordnance	Washington arsenal, D. C.

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WAR DEPARTMENT, QUARTERMASTER GENERAL'S OFFICE.
Washington, D. C., March 25, 1872.

Statement of the number of enlisted men employed on extra duty in the Quartermaster's Department in the month of November, 1871, with their occupation and aggregate monthly pay, as shown by the officers' reports (Form 3) on file in this office.

	Number employed.	Aggregate of pay for the month.
Clerks, overseers, artificers, and mechanics	1,379	$13,156 87
Teamsters	696	4,076 60
Laborers	933	6,327 94
Messengers and mail-carriers	133	865 20
Total	3,141	24,426 61

NOTE.—The month of November, 1871, has been taken, for the reason that the list of reports for subsequent months is not yet completed.

Respectfully submitted.

J. D. BINGHAM,
Quartermaster.

WAR DEPARTMENT, QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., March 25, 1872.

Statement of the number of civilian employés in the Quartermaster's Department, with their occupation and aggregate monthly pay, as shown by the officers' reports (Form 2) for the month of November, 1871, (the last month for which complete reports have been received in this office.)

	Number employed.	Aggregate of pay for the month.
Clerks and agents	476	$53,208 39
Teamsters and wagon-masters	616	20,409 76
Laborers	934	36,088 17
Mechanics	692	47,110 52
Total	2,718	156,817 04

Respectfully submitted.

J. D. BINGHAM,
Quartermaster.

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KEERL & MILLER.

LETTER

FROM

THE SECRETARY OF WAR,

IN COMPLIANCE WITH

The request of the Committee on Military Affairs, relative to the payment of $582 70 to Messrs. Keerl & Miller.

APRIL 2, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *March* 29, 1872.

The Secretary of War has the honor to submit to the House of Representatives, for reference to the Committee on Military Affairs, in response to a request of the chairman of that committee, of the 22d instant, for information upon the subject-matter of a bill authorizing the payment of $582 70 to Messrs. Keerl & Miller for reimbursement of certain alleged assessments against them for failure to deliver commissary stores to military posts in New Mexico, copies of certain papers from the records of this Department, which give the desired information.

WM. W. BELKNAP,
Secretary of War.

ARTICLES OF AGREEMENT.

Articles of agreement, made this sixth day of May, one thousand eight hundred and seventy, between First Lieutenant Francis B. Jones, Third United States Infantry, acting chief commissary of subsistence, district New Mexico, [commissary of subsistence,] United States Army, on the one part, and Charles Keerl and John A. Miller, (known as a firm,) both of the county of Grant, Territory of New Mexico.

This agreement witnesseth that the said First Lieutenant Francis B. Jones, Third United States Infantry, acting chief commissary of subsistence, district New Mexico, [commissary of subsistence,] for and in behalf of the United States of America, and the said firm of Keerl & Miller, for themselves or their heirs, executors, and administrators, have mutually agreed, and by these presents do mutually covenant and agree, to and with each other, in the manner following, to wit:

First. That the said firm of Keerl & Miller shall deliver to the assistant commissary of subsistence, at Fort Selden, New Mexico, eighteen thousand (18,000) pounds of bacon and ——— pounds of pork. First delivery of 6,000 pounds of bacon and ——— pounds of pork to be made not later than January 31, 1871; subsequent ones as directed by the assistant commissary of subsistence.

The bacon furnished under these contracts must be made from healthy hogs, in good

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condition when slaughtered, and must be *clear sides*, properly cured, put up in singl gunny-sacks of one hundred pounds net each, marked with name of contractor and date of manufacture. Trial of bacon to be made at each post prior to acceptance.

The pork must be equal to the best "mess," packed in pickle made from clean salt, and put up in sound barrels, well hooped, containing each two hundred pounds net. Each barrel must be marked with the name of the contractor, date of manufacture, the gross and net weight, and if any barrel is found upon issue to contain less than marked upon it, the contractor shall make good the amount to the United States by payment of the money value of such deficiencies.

Second. This contract to be in force for three months, or such less time as the Commissary General of Subsistence shall direct, commencing on the first day of January, 1871.

Third. The said firm of Keerl & Miller shall receive twenty-eight (28) cents for each and every pound of net bacon, and ——— cents for each and every pound net of pork, delivered and accepted under this contract.

Fourth. Payment to be made at the time of delivery for the amount of subsistence stores received and furnished under this contract, but in the event of the chief commissary of subsistence of the district of New Mexico being without funds, then payment to be made as soon as funds may be received for that purpose.

Fifth. The stores delivered under this contract shall be rigidly inspected by the assistant commissary of subsistence, or such other person as he may appoint for that purpose, and are not to be accepted or paid for until that inspection is made.

Sixth. That in case of failure or deficiency in the quality or quantity of bacon or pork, or both, stipulated to be delivered, then the chief commissary of subsistence, or such other officer as he may designate, shall have power to supply the deficiency by purchase, and the said firm of Keerl & Miller will be charged with the difference of cost.

Seventh. No member of Congress, officer, or agent of the Government, or person employed in the public service shall be admitted to any share or part of this contract, or any benefit to arise herefrom.

In witness whereof the parties have hereunto subscribed their names and affixed their seals the day and year first above written.

FRANCIS B. JONES, [L. S.]
First Lieutenant Third United States Infantry
and Acting Chief Commissary of Subsistence, District New Mexico.
CHAS. KEERL. [L. S.]
JOHN A. MILLER. [L. S.]

Witnesses:
THOMAS COGLAN.
M. W. BREMEN.
J. W. ECKLES.

The words "commissary of subsistence" [in brackets] were erased by me before the contract was signed.

FRANCIS B. JONES,
First Lieutenant Third United States Infantry
and Acting Chief Commissary of Subsistence, District New Mexico.

OFFICE COMMISSARY GENERAL OF SUBSISTENCE,
March 28, 1872.

Official copy:

A. W. EATON,
Commissary General of Subsistence.

HEADQUARTERS DISTRICT NEW MEXICO,
Santa Fé, New Mexico, June 9, 1870.

Approved:

GEO. W. GETTY,
Brevet Major General, Commanding.

FORT BAYARD, NEW MEXICO,
May 2, 1871.

SIR: We have the honor to herewith transmit, through Captain Charles Steelhammer, affidavits showing how and why we failed in the first delivery of bacon, according

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to the tenor of our contract. These affidavits, in addition to our former statement, we hope may seem sufficient cause to you to release us from the difference charged to us on bacon purchased in open market at Forts Bayard and Cummings.

We have the honor to be, sir, very respectfully, your obedient servants,

KEERL & MILLER.
By J. A. MILLER.

Captain WM. H. NASH,
Chief Commissary Subsistence, District New Mexico, Santa Fé, New Mexico.

[Indorsements.]

OFFICE ASSISTANT COMMISSARY SUBSISTENCE, FORT BAYARD,
May 3, 1871.

Respectfully forwarded.

CHARLES STEELHAMMER,
Captain Fifteenth Infantry, Assistant Commissary Subsistence.

HEADQUARTERS DISTRICT OF NEW MEXICO,
OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
Santa Fé, New Mexico, May 15, 1871.

Respectfully forwarded to Commissary General Subsistence, Washington, D. C., through chief commissary subsistence Military Division of Missouri, and chief commissary subsistence Department of Missouri.)

The facts set forth in inclosed affidavits are substantiated by official information at these headquarters, and also newspaper and private accounts received by me. Miller & Keerl are indebted to the Subsistence Department $160 38, for difference in price of bacon purchased in open market at Fort Bayard, New Mexico, and $322 32 for difference in price of bacon purchased in open market at Fort Cummings, New Mexico, they having failed to have the bacon at these posts at the time the contracts called for. They have left a voucher in my hands for $709 38 until the question is settled.

Mr. Keerl and wife, and five other parties belonging to his train, were all killed by Indians at the time the train was driven back in old Mexico, mentioned in the affidavits herewith inclosed. Mr. Miller, since his partner's death, has seemed willing and anxious to do all in his power to fill his contracts, and has nearly completed them. In view of all these facts, and the affidavits inclosed herewith, I would respectfully recommend that they be released from paying the difference of prices for bacon bought at open market at Forts Bayard and Cummings, New Mexico, amounting to $582 70.

W. H. NASH.
Captain and Commissary Subsistence, U. S. A.,
Chief Commissary Subsistence, District New Mexico.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
Washington, May 24, 1871.

Respectfully submitted to the Secretary of War.

As the facts set forth in the indorsement of Captain Nash are doubtless correct, and as the contractors failed to deliver the bacon at the time required, through no fault of their own, but by a great and most distressing and irreparable misfortune, I would recommend that Captain Nash may be authorized to pay to Keerl & Miller the voucher for $709 38, now in his possession, and that no steps be taken to recover from the surviving partner or bondsmen the difference in price ($582 70) of the amount of bacon purchased at Forts Bayard and Cummings, on account of failure to make delivery at the time stated in the contracts.

A. B. EATON,
Commissary General Subsistence.

TERRITORY OF NEW MEXICO, *County of Grant, ss:*

Personally appeared before J. R. Fitch, lieutenant Fifteenth United States Infantry, and post adjutant at Fort Cummings, New Mexico, February 23, 1871, Estephen Bega, who, being duly sworn according to law, deposes and says that he was *en route*, January 13, 1871, with bacon for the contractors Messrs. Keerl & Miller, to be delivered at Forts Bayard, Cummings, and Selden, and that he, the said Bega, was driven back from within Grant County, New Mexico, to the town of Janas, in the State of Chihuahua, by hostile Apache Indians, and was there detained and subsequently delayed *en route* to the amount of twenty-two days, and, therefore, failed to comply with the tenor of his bill of lading, to deliver bacon at the above-named posts on or before the 31st day of January, A. D. 1871.

ESTEVAN VEGA, (HIJO.)

Sworn and subscribed to before me, the undersigned, Alfred Hedberg, captain Fif-

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teenth Infantry, commanding Fort Cummings, New Mexico. Done at Fort Cummings, New Mexico, this 23d ——, 1871.

J. R. FITCH,
First Lieutenant Fifteenth Infantry, Post Adjutant.

I certify upon honor that there is no civil magistrate before whom this affidavit could have been made at Fort Cummings.

JOHN A. MILLER.

TERRITORY OF NEW MEXICO, *County of Grant, ss:*

Personally appeared before John A. Miller, a notary public in and for the county of Grant and Territory aforesaid, José Saiz, who, being duly sworn according to law, deposes and says that he is a citizen of Janas, in the State of Chihuahua, and that he was there at the time that Estephen Bega was *en route* for Fort Bayard, New Mexico, with bacon for the contractors, Messrs. Keerl & Miller, and that he, the said Bega, was obliged to wait at said town of Janas a number of days, waiting for company on account of hostile Apache Indians, and that in traveling with company from said town of Janas, as a protection against said Indians, he lost twenty-two days' time, and, therefore, failed to comply with the terms of his bill of lading, to deliver 14,000 pounds of bacon at Forts Bayard, Cummings, or Selden, on or before the 31st day of January, A. D. 1871.

JOSÉ SAIZ.

Sworn and subscribed to before me, at Fort Bayard, this 20th day of February, A. D. 1871.

[SEAL.] JOHN A. MILLER,
Notary Public.

TERRITORY OF NEW MEXICO, *County of Grant, ss:*

Personally appeared before John A. Miller, a notary public in and for the county and Territory aforesaid, Sacarias Zozaya, who, being duly sworn according to law, deposes and says that he is president of Janas, and that Estephen Bega, who was *en route* with bacon for Forts Bayard, Cummings, and Selden, and that the said Bega was driven into said town of Janas by hostile Apache Indians; and further deposes that he knows the said Bega was therein detained the full amount of twenty-two days' time. He, the said Sacarias Zozaya, president of Janas, was ordered to detain any parties attempting to reach Fort Bayard until a sufficient force could be collected to hope to successfully cope with said hostile Apache Indians.

SACARIAS ZOZAYA.
JOSÉ SAIZ.

Sworn to and subscribed before me, at Fort Bayard, this 20th day of February, A. D. 1871.

[SEAL.] JOHN A. MILLER,
Notary Public.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
March 28, 1872.

Official copy:

A. B. EATON,
Commissary General Subsistence.

FORT SELDEN, NEW MEXICO,
April 24, 1871.

DEAR SIR: No doubt you have become more or less acquainted with successions of misfortunes attending our efforts to fill our bacon contracts for Forts Bayard, Cummings, and Selden. We have not only sustained the loss of seven lives, but also about one-half of our bacon, which has been appropriated by various Mexicans, "*to us unknown.*" I have still enough bacon, together with hams and shoulders, to fill the contract, but as our contract specifies clear sides, the receiving commissaries do not feel at liberty to so modify the contract as to include hams and shoulders without your consent, for which I now petition you to at least partially alleviate the *losses* I have sustained, hoping you will authorize the assistant commissary of subsistence at Fort Selden to receive the remaining amount (about 7,000 pounds) in hams and shoulders.

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Our contract at Cummings is filled, and at Bayard we are but a very little short. Hoping to hear from you at your earliest convenience,

I have the honor to subscribe myself your obedient servant,

J. A. MILLER,
For KEERL & MILLER.

Captain W. H. NASH,
Chief Commissary Subsistence, District New Mexico, Santa Fé, New Mexico.

P. S.—I would respectfully refer you to the indorsement of Captain Fechet, president of the board of survey, receiving the meats, and also the indorsement of Captain Styer, assistant commissary of subsistence, Fort Selden.

Very respectfully,

J. A. MILLER.

[Indorsements.]

FORT SELDEN, NEW MEXICO,
April 24, 1871.

I have examined both the hams and shoulders brought to this post by Messrs. Miller & Keerl on their contract. From that examination I would be willing to receive them, and so give my opinion. But as it was clear that, by the terms of the contract, none but sides could be put in, the board decided not to receive them.

ED. G. FECHET,
Captain Eighth Cavalry, President of Board.

OFFICE ASSISTANT COMMISSARY SUBSISTENCE,
FORT SELDEN, NEW MEXICO,
April 24, 1871.

Respectfully forwarded to the chief commissary subsistence, district of New Mexico. The hams and shoulders referred to in the within letter are apparently in good condition, and if captains of companies are willing to receive them in lieu of bacon, I see no objection to receiving them.

CHARLES STYER,
Captain and Assistant Surgeon, U. S. A., Assistant Commissary Subsistence.

OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
DISTRICT OF NEW MEXICO,
Santa Fé, New Mexico, April 28, 1871.

Respectfully referred to the chief commissary of subsistence district of New Mexico for his information. I do not consider that I am authorized to make any change in the contract referred to. The loss of lives and bacon by Indian attacks as set forth in the letter is literally true. I doubt, however, if the quantity of hams and shoulders (seven thousand pounds) could all be used at Fort Selden before more or less of them would spoil, as hams and shoulders cured in this country will not keep a great while. If the seven thousand pounds could be divided between the three posts for which Keerl & Miller are contractors, it could be used before any of it would spoil. Mr. Keerl and his wife were among the number killed by the Indian attack on the train containing the bacon. Under the circumstances, I favor a lenient policy toward these contractors as far as can be done without loss to the Subsistence Department.

W. H. NASH,
Captain and Commissary of Subsistence, U. S. A.,
Chief Commissary of Subsistence District of New Mexico.

OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
DEPARTMENT OF MISSOURI,
Fort Leavenworth, Kansas, May 9, 1871.

Respectfully submitted to the Commissary General of Subsistence, through chief commissary of subsistence Military Division of Missouri. This contract should have been filled March 31, and I recommend that the contractors, in consideration of their trouble, be released from the unfilled portion of their contract. I can now send out bacon to Fort Selden at much less cost than the contract price, (28 cents per pound.)

M. R. MORGAN,
Major and Commissary Subsistence,
Chief Commissary Subsistence Department Missouri.

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OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
MILITARY DIVISION OF MISSOURI,
May 13, 1871.

Respectfully forwarded to Brigadier General A. B. Eaton, Commissary General of Subsistence, United States Army, Washington, D. C.

H. F. CLARKE,
Lieutenant Colonel, Assistant Commissary General of Subsistence,
Chief Commissary of Subsistence, Military Division of Missouri.

OFFICE COMMISSARY GENERAL OF SUBSISTENCE,
Washington, May 18, 1871.

Respectfully submitted to the honorable Secretary of War, whose attention is invited to this case, with recommendation that, in view of the misfortunes of the contractors referred to, and the statements of Captain Nash and Major Morgan, the contractors, be relieved from further obligations under their contract.

A. B. EATON,
Commissary General of Subsistence.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
May 27, 1871.

Respectfully returned to the Secretary of War.

In the contract in this instance it was provided that, "in case of failure in the quantity stipulated to be delivered," the proper officer "shall have the power to supply the deficiency by purchase, and the said firm of Keerl & Miller will be charged the difference of cost."

For causes set forth in the papers, there was in fact a failure to deliver the full amount, and the Subsistence Department, in order to supply the deficiency, was compelled to purchase in open market bacon to the amount of $582 70, which sum has been charged against the contractors. There is still due them, for bacon actually delivered, $709 38, which is withheld for final settlement. The question now being whether the Secretary of War is authorized to pay to them the latter amount in full, and at the same time release them from the payment on their part, to the United States, of the former amount, this Bureau is of opinion that such authority cannot legally be exercised. Were the application simply to be released from the full performance of a contract, under which, by its terms, no forfeiture, liquidated damages, or pecuniary obligation, had been incurred by the contractors, it is believed that to accede to the same would, under all the peculiar circumstances of this case, be within the discretionary powers of the Secretary of War. But here the failure to perform has involved the parties in a specific pecuniary obligation to the Government. No executive officer is empowered, in the absence of express statutory authority, to release *an ascertained debt due the United States;* in this case, therefore, the Secretary of War could not legally make the settlement recommended by the Commissary General, however just and equitable. Congress alone can take such action; and it would seem that, under all the circumstances narrated, that body, should the parties apply thereto, could hardly fail to act favorably in the premises.

J. HOLT,
Judge Advocate General.

JUNE 14, 1871.

The views of the Judge Advocate General are concurred in by the Secretary of War.

JOHN POTTS,
Chief Clerk War Department.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
March 28, 1872.

Official copy:

A. B. EATON,
Commissary General Subsistence.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 233.

TRADE WITH ATLANTIC AND FOREIGN PORTS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of February 2, 1872, transmitting letters from the collectors of customs at Portland and Astoria, Oregon.

APRIL 2, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT, *March* 28, 1872.

SIR: In further response to the resolution of the House of Representatives dated February 2, 1872, I have the honor to transmit herewith copies of letters addressed to me by the collectors of customs at Portland and Astoria, Oregon, dated March 5th and 6th respectively.

Very respectfully, your obedient servant,

GEO. S. BOUTWELL,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

CUSTOM-HOUSE, PORTLAND, OREGON,
Collector's Office, March 5, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th ultimo, inclosing a copy of a resolution passed by the House of Representatives on the 2d ultimo, marked "Y" on the margin.

I inclose herewith statement of the aggregate trade of this district with ports in the Atlantic States and all foreign ports, via Cape Horn, during the year 1870.

I am, sir, very respectfully, your obedient servant,

H. W. SCOTT,
Collector of Customs.

Hon. GEORGE S. BOUTWELL,
Secretary United States Treasury, Washington, D. C.

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Statement of the amount of the aggregate trade of the district of Willamette with the ports in the Atlantic States, via Cape Horn, and also the amount of tonnage and value of cargoes which entered and cleared to and from all foreign ports, via Cape Horn, during the year 1870.

Trade of the district of Willamette with the ports in the Atlantic States, via Cape Horn.

Entered.				Cleared.			
No.	Nationality.	Tonnage.	Value of cargoes.	No.	Nationality.	Tonnage.	Value of cargoes.
....	.....	... .	.....	....	.....	.....	.....

Trade of the district of Willamette with all foreign ports, via Cape Horn.

Entered.				Cleared.			
No.	Nationality.	Tonnage.	Value of cargoes.	No.	Nationality.	Tonnage.	Value of cargoes.
2	British	1,251	$43,496	1	British	380	$25,67
2	Norwegian	979	49,145	2	Norwegian	902	47,49
4	Total	2,230	92,641	3	Total	1,282	73,07

The above is a record of trade for the last three months only of the year 1870, the district of Willamette not having been organized till the 1st October of that year.

H. W. SCOTT, *Collector of Customs.*

PORTLAND, OREGON, *March* 5, 1872.

CUSTOM-HOUSE, ASTORIA, OREGON,
Collector's Office, March 6, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th ultimo, initial "Y," concerning the trade of certain ports during the year 1870, and to reply, that from Atlantic ports, via Cape Horn, there were entered in this district 2 vessels of 1,150 tons; value of cargo unknown.

Departed to same ports, none.

Entered from foreign ports, via Cape Horn, 3 vessels of 1,583 tons; value of cargo, $80,338.

Departed to same ports, 5 vessels of 2,678 tons; cargo, $102,567.

Very respectfully,

A. HINMAN, *Collector.*

Hon. GEORGE S. BOUTWELL,
Secretary Treasury, Washington, D. C.

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SHIP-CANAL—CHESAPEAKE TO DELAWARE BAY.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of March 11, relative to a ship-canal between Chesapeake and Delaware Bays.

APRIL 5, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 2, 1872.

The Secretary of War has the honor to send to the House of Representatives, in response to a resolution of the 11th ultimo, requesting any information he may have upon the subject of the construction of a ship-canal from the waters of the Chesapeake to the waters of the Delaware Bay, &c., &c., a communication from the Chief of Engineers, transmitting copy of remarks made by Hon. James T. Earle, and of a communication from Major Craighill, Engineers, with its inclosures, which embrace all the information the Department possesses on the subject.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 30, 1872.

SIR: In reply to the resolution of the House of Representatives of March 11, 1872, requesting information upon the subject of the construction of a ship-canal from the waters of the Chesapeake to the waters of Delaware Bay, I herewith transmit a copy of remarks made by the Hon. James. T. Earle, of Maryland, upon the occasion of a visit to this office, of a joint committee of the legislature of Maryland, and of Governor Ponder, of Delaware, with the view of obtaining the services of an officer of the Corps of Engineers, to make the surveys necessary to determine the feasibility of such a work. These remarks were written out at my request, as they contained many facts of interest relating to the commerce of Baltimore. I also send a copy of a communication from Major Craighill, Corps of Engineers, to whom this resolution was referred for report thereon, with a letter inclosed from Mr.

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A. Haines, the agent in Baltimore of several lines of steamships. These papers contain all the information in my possession bearing upon the project in question.

Major Craighill believes that the length of line of such a canal would probably not be less than 30 miles, nor exceed 55 miles, depending upon the location, but no reliable estimate of the cost of its construction can be given without careful preliminary surveys. The character of the country through which it would pass is favorable for such a work.

A canal connecting the two bays, as proposed, would shorten the distance from Baltimore to many European ports as well as to those on our own coast north of Baltimore. Mr. Earle estimates this distance at 182 miles each way, or 364 miles each trip, which is no doubt approximately accurate. This question, and the other question of the resolution, whether the building of such a canal would not materially advance the interests of commerce, are treated at some length in these communications; and the advantages to follow the shortening of the route to sea are ably presented.

The next step in the discussion is to ascertain the degree of feasibility and the cost of that shortening; and this being accomplished, the final conclusion as to economy of time and money can be determined. Upon that conclusion rests the decision whether the route should be opened.

The cost of the necessary surveys and preparation of plans, Major Craighill estimates at $20,000, which sum is recommended to be appropriated.

The resolution of the House of Representatives is herewith returned.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Remarks submitted to General Humphreys, of the War Department, on the 29th of February, by the Hon. James T. Earle, of the joint committee of the legislature of Maryland, on behalf of the State and of Governor Ponder of Delaware, on the subject of a ship-canal to connect the waters of the Chesapeake and Delaware Bays, with a view to procure a detail from the Topographical Engineer Corps to make surveys, to determine the feasibility of such a work, its most advantageous route, and an approximate estimate of its cost, and report the same to the said Department.

GENERAL: The joint committee of the legislature of Maryland, on behalf of their State, and I am sure I may say of Delaware, so well represented here by her governor, in the recess of her legislature, desire, through their chairman, to express their thanks for the prompt audience you have given them on the subject of their mission. We have been instructed to seek this hearing, general, that we might ask of your Department a detail from the Corps of Topographical Engineers, to make surveys for a ship canal across the peninsula of Maryland and Delaware, to connect the waters of the Chesapeake and Delaware Bays. There is nothing new in the suggestion of such work. It has been often made, and for many years the intelligent portion of the populations of both States have looked to its undertaking and accomplishment, under the developing influence of the necessities of trade, as a fact which must sooner or later occur. These necessities, under the rapid strides of progress, refuse to be longer denied their just demands, and it is in obedience to such high behests that we are before you. The demands of trade have ever spoken in clear and unmistakable language, and refused denial of the advantages claimed as proper and necessary for its accommodations. In these demands the young giant of the West, now attained to the stature of manhood, and rapidly progressing to the maturity of riper age, joins with our States of the Atlantic board in requiring a way of easy and ready access to the ocean, that, in common with us, he may be admitted to equal participation in the commerce of the world.

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Shall requests so reasonable, though urgently pressed as they should be, be denied? Our State, as may be gathered from her legislative history for a period of nearly two-score years and ten, has looked with steady and undoubting anticipations to the accomplishment of her works of internal improvement for the consummation of this great purpose. At last we are able by our system of railroads to throw wide open our doors, with the latch always upon the outside, and bid the giant of the West welcome to our domiciles; most cheerfully we accord him a pathway across our territory to the sea-board.

We have not made this invitation an empty thing that cannot be accepted, but have smoothed the path and provided the way by which we can have the enjoyment of his good company to breakfast, and, if he will not tarry longer with us, by which he can return to his own household to tea. This is no sketch of fancy, general, but is fast becoming an every-day experience. The great West lies upon the outskirts of Maryland and Delaware, and Maryland, having with that great territory a common interest, is fast beginning to realize the agreeable and profitable fact that she is the nucleus aroundwhich center, in the bond of a common interest, the South and the West, the Southwest and the Northwest; and, from her geographical position, holds relations with the North and the East which must be promotive alike of friendly connections and extensive and advantageous trade. Shall we let the little narrow strip of land between these two great bays be longer a barrier in the way of easy access to the ocean, to the immense trade of a territory constituting in its vastness a great empire, and which finds its most natural outlet to the markets of the world through the waters of the Chesapeake? This trade, already swollen to large proportions, but as yet in its infancy, must pass through Baltimore, and it thus becomes a matter of national importance, in which more than half the States of this Union are interested, that Baltimore should be brought near to the ocean by the shortest possible line of connection. Baltimore, within comparatively a few years, has grown to be a great city, claiming to rank among the leading cities on this continent in enterprise, in wealth, in commerce, in manufactures, in arts, and in all the elements which enter into and constitute a great emporium. Near the head of a great estuary, the boldest indentation of water on the Atlantic board, her locality is fixed and stable, and perhaps more advantageously, with reference to the great trade-centers of the country, than any other that could have been selected. The only disadvantages under which she labors from her position, arise from insufficient depth of water from her docks to the mouth of the Patapsco, and her remote distance from the ocean; fortunately these can be overcome by proper application of means and the engineering skill of the age; and in the already increased depth of water which has been secured, and the facility with which the Patapsco is now navigated by the Berlin steamers of twenty-five hundred tons burden, we have the evidence of what can be accomplished, and of how entirely these obstacles in the way of trade are under our control.

The General Government, impressed with the disadvantages of her position in these respects as drawbacks to trade, and an interference with the general commerce of the country, has recognized the removal of them as of national importance; and Congress has from time to time made appropriations, with the view of accomplishing these results. That they will be removed in a few years, we have the best guarantee in the imperative necessities of trade, and in the demand which the great West will join Baltimore in making upon the authorities of the General Government for the accomplishment of this end. We have only, general, to cast the eye over the map which I hold in my hand, and glance at the routes of our great work of internal improvements, the Baltimore and Ohio Railroad, and its branches and communications, to feel ourselves sustained in these statements, and to be made sensible that they are not mere conjectures, but realities arising from existing facts.

I desire to call your attention to the distance between the city of Baltimore and the great centers of trade, to which I would attract your observation, as compared with the relative distances of the same points from the city of New York. Chicago, Illinois, is distant from Baltimore, via the Baltimore and Ohio Railroad, 795 miles; from New York, via New York Central Railroad, 980 miles; via Erie Railway, 961 miles; and via Pennsylvania Railroad, 899 miles; nearer to Baltimore than to New York by average distance of 152 miles. Saint Louis, Missouri, is distant from Baltimore, via Baltimore and Ohio Railroad, 929 miles; from New York, via New York Central Railroad, 1,167 miles; via Erie Railway, 1,201 miles; and via the Pennsylvania Railroad, 1,050 miles. Nearer to Baltimore than to New York by average distance of 210 miles. Louisville, Kentucky, is distant from Baltimore, via Baltimore and Ohio Railroad, 696 miles; from New York, via New York Central Railroad, 989 miles; via Erie Railway, 987 miles; and via Pennsylvania Railroad, 851 miles. Nearer to Baltimore than to New York by average distance of 246 miles. Cincinnati, Ohio, distant from Baltimore, via Baltimore and Ohio Railroad, 589 miles; from New York, via New York Central Railroad, 882 miles; via Erie Railway, 861 miles; via Pennsylvania Railroad, 744 miles. Nearer Baltimore than to New York by average distance of 240 miles. Pittsburgh, Pennsylvania, is distant from Baltimore, via Baltimore and Ohio Railroad, 327 miles; from New York, via the Pennsylvania Railroad, 431 miles; nearer to Baltimore than to New York by

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104 miles. The proximity of Baltimore to the principal centers of trade, secured by the advantages of locality, and the sagacity and able and far-reaching management of our great work of internal improvement, the Baltimore and Ohio Railroad, give to these important points, in the economies of transportation and trade, advantages greater in these respects than they can enjoy by shipment to other points. Besides, we have other important works, the Northern Central Railroad and the Great Pennsylvania Central, especially its branches and its connections recently formed to the south of us, which bring a large amount of produce and trade to our city. Properly estimating the advantages of low port charges and economical transportation, the New York importer, when he proposes to supply with coffee the vast region over which these works extend, consults the economies of trade, and orders his ship to Baltimore, and not to New York. These statements and these figures, general, bespeak more eloquently than any language I could hope to employ the national character of the work for which it has been made our agreeable duty to ask your consideration.

And having, I trust, sufficiently demonstrated this, we desire next to ask your attention to the difference in distance from Baltimore to the European ports, and to New York, Boston, and other northern ports, by the present route and by that which we shall hope to see before many years accomplished, in the construction of the proposed ship-canal. In referring to these distances, we desire to be regarded as speaking approximately only, as we have not the data to enable us to do so with accuracy. The distance from Baltimore, by our bay, to the capes, is from 190 to 200 miles. Having passed the capes, a ship bound either for a European port or for New York or Boston, has to run on a line somewhat parallel to our coast for the distance of about 100 miles, before she lays her course for either of the ports indicated, thus making the distance of something over three hundred miles, before she reaches the point of the ocean from which she may be regarded as fairly on her way to Europe or the ports to the north of us. By the proposed canal, which should be cut and constructed, without reference to cost, by the shortest line between Baltimore and the ocean, I do not think the distance, as near as can be arrived at by the inaccurate means of measurement at my disposal, will exceed one hundred and eighteen miles, thus making the saving in distance 182 miles, which figures correspond with the views of a distinguished gentleman, who, as expressed to me, has given the subject a great deal of attention. (I refer to Mr. Garrett.) You ask me, general, as to the locality of the route; pardon me; I, of course, have my views in regard to it, but wish the engineers to be entirely free and untrammeled, and if I had control of the survey, would give them but the one direction, which I have suggested. This saving in distance is not only important as saving in time and controlling the delivery of freight at its point of destination, some fifteen hours in advance of the time by the present route, but, in economy, is of not less importance to the owners of large and expensive steamships.

For illustration, we will take a large-class ship of the Allen line, whose consumption of fuel is from one hundred to one hundred and fifty tons every twenty-four hours, and whose expenses, in round numbers, may be set down at a thousand dollars a day, wear and tear of the ship, and consequent impairment of principal considered.

The saving in distance of one hundred and eighty-two miles, equivalent in saving in time to about fifteen hours, would be an economy of $625, either to the ports to the north, or to European ports, which, allowing twelve trips to be made each way, or twenty-four crossings of the ocean in a year, would amount to $15,200, equivalent to more than a three per cent. interest on a capital of half a million of dollars invested in the ship.

With your permission, general, in connection with the ship-canal, we will invite your attention to some few reflections on the use and consumption of coal used in the propelling of steamers, as entering largely into the economies of transportation and commerce.

The great ocean steamship companies of New York are supplied with coal from the Cumberland mines, brought by the Baltimore and Ohio Railroad to Baltimore, and shipped thence to New York, at a cost for freight of $2 50 per ton. The steamships, therefore, from Baltimore to European ports, using eight hundred tons, save, as compared with those of the same class running from New York, $2,000 on each voyage. To the advantage of the economies thus secured, we must not forget to add that, perhaps the most important of them all, the economy and advantage in the use of the Cumberland coal for steam-generating purposes over all other coals yet brought into general use; and for the tests on this subject, I desire to refer to a statement in the American, of the 5th of May, 1871, extracted from the Springfield, Massachusetts, Republican, of the 28th of April of the same year, in which, after prefacing remarks on the subject of coals, it is stated that experiments have been made in the National Armory at Springfield, with a view of testing and arriving at their comparative values, and that the following facts were established as the results of these experiments, which are stated to have been made by Colonel Benton.

He had each of three different kinds of coal used for six consecutive days, in making steam for the engine of that establishment; first, the Lackawanna, or the hardest of

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anthracite coals; second, the Pittston, or softer anthracite; and third, the Cumberland, or bituminous coal of Maryland. The results were as follows: Of the Lackawanna coal, the number of pounds used, per horse-power per hour, was 4.01 pounds; of the Pittston, 4.02; of the Cumberland, 3.03. The coal cost at the armory, Lackawanna, $8.50 per ton of 2,240 pounds, or $0.00379 per pound; the Pittston, $8 75 per ton, or $0.00396 per pound; the Cumberland, $9 10 per ton, or $0.00406 per pound; which would make the cost of the coals, per horse-power per hour, as follows: Lackawanna, $0.151979; Pittston, $0.159192; Cumberland, $0.123028.

Of course these figures make clear the fact that, even at a higher price per ton, the bituminous or soft coal is the more economical, making more heat and creating more power per pound and per cent. of cost than the harder coals. Some statistics from another source indicate that, while one pound of Cumberland coal evaporates ten pounds of water into steam, a pound of the New Castle (English) coal evaporates but 7.90 pounds of water, the American anthracite 7 pounds, English Staffordshire 6.40 pounds, and dry pine wood 3.10. These experiments show too clearly to require comment the superiority of the Cumberland coal over those with which it was tested, (and they have been regarded as among the best,) and the great economy in its use. This economy is greatly enhanced when this coal is delivered at the docks in Baltimore at very much less cost than any other, and without the added cost of transportation to Springfield and other points. Where Cumberland coal is used in propelling machinery, it has been found that the boiler will last at least a third longer than where anthracite coal is used. These statements, which have been made with reference to the mercantile marine of our country, apply with equal or greater force to the large ships of our Navy. Then, general, let our Government pursue the wise policy of deepening the channel of the Patapsco to its mouth, and bringing Baltimore fifteen hours nearer in time to the ports of Europe and to those of the northern section of our own country by the proposed ship-canal, and in a few years the impost revenue received by the Federal Government at this port will be increased from nine to twenty millions of dollars a year, and the saving to the Government in the economies of time and wear and tear of vessels and machinery will be greatly more than sufficient to construct this important national link.

Thanking you again, general, for your very courteous attention to our statement, and to the detail of our remarks, which have been unavoidably somewhat tedious, and for the interest you have been pleased to express in the object of our mission, we will leave the subject in your hands, in the full confidence that it will receive the consideration to which its merits and importance as a great national question justly entitle it.

UNITED STATES ENGINEER OFFICE, No. 339 DRUID HILL AVENUE,
Baltimore, Md., March 25, 1872.

GENERAL: I have had the honor to receive, with directions to report thereon, a copy of a resolution of the House of Representatives of 11th of March, 1872, in the following words, viz:

"FORTY-SECOND CONGRESS, SECOND SESSION,
"*Congress of the United States, in the House of Representatives, March* 11, 1872.

"On motion of Mr. Swann,

"*Resolved*, That the Secretary of War be requested to communicate to Congress any information he may have upon the subject of the construction of a ship-canal from the waters of the Chesapeake to the waters of the Delaware Bay, and to state how much time would be saved by such improvement in the passage of ships from Baltimore to and from Liverpool and other foreign ports, and whether the building of such canal would not materially advance the interests of commerce.

"Attest:

"EDW'D McPHERSON, *Clerk*."

Until a careful survey and comparison of lines for the proposed canal have determined its location, and consequently its length, it will be impossible to say with precision "how much time would be saved by such an improvement in the passage of ships from Baltimore to and from Liverpool and other foreign ports."

This question, and the other question of the resolution of the House of Representatives, viz: "Whether the building of such canal would not materially advance the interests of commerce," are treated at some length in the attached copies of communications, to which attention is invited. One of these was made to yourself on the 29th of February by the Hon. James T. Earle, of the joint committee of the legislature of Maryland, on behalf of that State, and of Governor Ponder, of the State of Delaware.

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The other is a letter, dated March 22, 1872, from Mr. A. Harris, who is the agent in this city of several lines of steamships.

The following resolution was adopted by the National Commercial Convention, which assembled in this city last autumn:

"*Resolved*, That Congress be memorialized to direct a survey to be made between the Chesapeake and Delaware Bays, for the proposed improvement; and, if found to be practicable, desirable, and valuable to the great interests of the country, that the said ship-canal shall be constructed."

It is apparent from an inspection of a good general map that a canal connecting the two bays, as proposed, would materially shorten the distance from Baltimore to and from Liverpool and many other foreign ports, as well as those on our coast north of Baltimore.

The papers herewith estimate this distance as 182 miles each way, or 364 miles each trip. An examination of the maps in this office lead me to conclude that the estimate is not far from accuracy. As before stated, the exact saving of distance can be only settled after a survey and location of the line of the canal.

The commercial advantages of the proposed canal seem sufficiently set forth for present purposes in the communications hereto attached. No reliable estimate of the cost of constructing the canal can be given without careful preliminary surveys. The length of line will probably not be less than 30 nor exceed 55 miles, depending on the location. The character of the country through which the canal would pass, by any proper route that might be selected having the proposed object in view, is favorable for such a work.

Should Congress determine to authorize the surveys necessary for deciding as to the location and cost of the work, it is recommended that an appropriation of not less than $20,000 be made for that object.

It may not be superfluous to add that a canal is already in existence, connecting the head of Chesapeake Bay via Elk and Back Rivers with the Delaware River at Delaware City; but this has neither depth nor width enough for the accommodation of steamers or sailing vessels designed to cross the Atlantic. Whether, considering the objects to be accomplished, the location of this canal is admissible, even if deepened and widened, is a question for determination after the completion of a survey and estimates.

Very respectfully, your obedient servant,

WM. P. CRAIGHILL,
Major of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

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95 McCULLOUGH STREET,
Baltimore, March 22, 1872.

DEAR SIR: Responding to your esteemed favor of 18th instant, I beg to hand you herewith a pamphlet copy of proceedings of the National Commercial Convention, held in this city in September, 1871, and refer you to the preamble and resolutions relative to the proposed Chesapeake and Delaware ship-canal, (page 171,) and to the remarks made in connection with that subject by the Hon. Reverdy Johnson.

I can hardly hope to be able to add to the information, in regard to the proposed improvement, which is contained in the pamphlet referred to. The preamble sets forth the fact that a saving of 183 miles would be effected in the distance between Baltimore and the principal ports of Europe, and it should be kept in mind that the route for sea-going vessels between Baltimore and the ports of New England would be shortened to the same extent. To accomplish this result, a canal of only 32 miles length is stated to be required. The preamble characterizes the proposed work as being of national importance, and especially desirable to the West, South, Southwest, and Northwest. That Baltimore is the seaport nearest to those vast regions, and consequently the proper commercial outlet for their products, may be illustrated by the following statements of comparative distances, by rail, to Baltimore and to New York:

From Chicago, Illinois.

	Miles.
To Baltimore via Baltimore and Ohio Railroad	795
To New York via New York Central Railroad	980
To New York via Erie Railway	981
To New York via Pennsylvania Central Railroad	849
Less to Baltimore than the average distance to New York	152

From Saint Louis, Missouri.

	Miles.
To Baltimore via Baltimore and Ohio Railroad	929
To New York via New York Central Railroad	1,107

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	Miles.
To New York via Erie Railway	1,201
To New York via Pennsylvania Railroad	1,050
Less to Baltimore than the average distance to New York	210

From Louisville, Kentucky.

	Miles.
To Baltimore via Baltimore and Ohio Railroad	696
To New York via New York Central Railroad	989
To New York via Erie Railway	987
To New York via Pennsylvania Central Railroad	851
Less to Baltimore than the average to New York	246

From Cincinnati, Ohio.

	Miles.
To Baltimore via Baltimore and Ohio Railroad	589
To New York via New York Central Railroad	882
To New York via Erie Railway	861
To New York via Pennsylvania Central Railroad	744
Less to Baltimore than the average distance to New York	240

In regard to the saving of time in the passage of ships between Baltimore and Liverpool which would be effected by the proposed improvement, the detentions to which even steamships are sometimes subjected in the Chesapeake Bay from fogs and other causes, render this difficult to estimate. It would probably be safe to state, however, that the voyages of steamers would be shortened from 24 to 48 hours, and the voyages of sailing vessels a much longer period.

There can be no question as to whether the "construction of the proposed canal would materially advance the interests of commerce." The saving which it would accomplish for the owners of the vast fleets which, for all time, would continue to use it, would alone form no inconsiderable item of economy; but when the importance of the saving to result to the owners of the cargoes of these fleets, and to the varied interests throughout the nation which would be connected with a commerce of such magnitude, are duly considered, the difficulties and cost of construction of such a work dwindle to insignificance.

The interesting statistics, relative to the commerce of this port, which were recently furnished your office, from the office of the collector of customs, and referred to in your report concerning the improvement of the channel which bears your name, will aid in demonstrating the great utility of the improvement under consideration.

Regretting that the brief time allowed has prevented the collection of additional statistics, and hoping you will again call on me, if I can at any time assist in promoting the important object in view,

I remain, dear sir, very respectfully, yours,

A. HARRIS.

Colonel WILLIAM P. CRAIGHILL,
United States Engineer Office, Baltimore, Maryland.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 235.

BLACK RIVER HARBOR.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of 25th March, relative to the need of further improvements in the harbor of Black River, Ohio.

APRIL 5, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 2, 1872.

The Secretary of War has the honor to answer the resolution of the House of Representatives of the 25th ultimo, requesting any recent information that the War Department may possess in regard to the need of further improvements in the harbor of Black River, Ohio, by transmitting herewith a letter from the Chief of Engineers, covering a copy of a report from Captain G. L. Gillespie, of the Corps of Engineers, on the subject.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 29, 1872.

SIR: In compliance with the following resolution of the House of Representatives of March 25, viz: "That the Secretary of War be requested to furnish this House with any recent information which may have come into his possession, or into the possession of the subordinate officers of his Department, in regard to the need of further improvements in the harbor of Black River, Ohio," I beg leave to transmit a copy of a report from Captain G. L. Gillespie, Corps of Engineers, the officer in charge of the harbor, dated March 25, 1872.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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UNITED STATES ENGINEER OFFICE,
IMPROVEMENT OF HARBORS, LAKE ERIE, W. DUNKIRK, N Y.,
Buffalo, New York, March 25, 1872.

GENERAL: I have the honor to submit the inclosed report upon the proposed improvement at Black River, Ohio. Soundings were taken in the channel early this month from the old bridge to a point 600 feet north of the light-house, and the sketch showing the results is sent by to-day's mail.

Very respectfully, general, your obedient servant,

G. L. GILLESPIE,
Captain of Engineers.

Brig. Gen. A. A. HUMPHREYS, U. S. A.,
Chief of Engineers, Washington, D. C.

Report upon improvement proposed for Black River Harbor, Ohio.

UNITED STATES ENGINEER OFFICE,
Buffalo, New York, March 25, 1872.

Inside of the inner end of Government piers the water of the Black River varies from 15 to 24 feet, low stage, more than sufficient for the largest coal and iron vessels that navigate Lake Erie; but at the entrance to the harbor, extending 200 to 300 feet outward, the water is reduced to an average of 10 feet. This harbor will, I am reliably informed, be connected during the summer by a railroad with the coal-fields in the interior of the State, and Black River will be made not only a large shipping point for coal, but also a place for the manufacture of iron.

For the accommodation of the coal and iron vessels of deep draught which will be drawn to this harbor in consequence of the construction of the railroad, and to make the harbor a secure and protected harbor of refuge for large vessels, the entrance should have not less than 14 feet, low stage. This can be best obtained by extending the piers to the 14-feet curve and by dredging out the inclosed channel. The length of piering required will be about 900 feet.

The channel next to the east pier, on the inside, has been greatly contracted by a filling of sand and gravel, supposed to have been washed over and from the east pier. The unexpended balance of the last appropriation will be ample to remove this material and to make necessary repairs to the piers.

The extensions of the piers will cost as follows:

900 cubic feet of piering, at $60	$54,000
20,000 cubic yards of dredging, at 30 cents	6,000
Inspection	1,000
Total	61,000

The improvement is recommended.

Very respectfully,

G. L. GILLESPIE,
Captain of Engineers, Brevet Lieutenant Colonel, U. S. A.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 236.

GREEN BAY AND MISSISSIPPI CANAL COMPANY.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The expenses incurred in the arbitration had between the United States and the Green Bay and Mississippi Canal Company.

APRIL 5, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT, *April* 2, 1872.

The Secretary of War, in reply to the request of the acting chairman Committee on Commerce House of Representatives, dated the 28th ultimo, that this Department "communicate to the Speaker of the House of Representatives the amount of money necessary to be appropriated by Congress for payment of expenses incurred in the arbitration had between the United States and the Green Bay and Mississippi Canal Company," has the honor to transmit to the House of Representatives the inclosed statement of expenses submitted by Hon. J. R. Doolittle, chairman of the board of arbitrators, appointed under the act entitled "An act for the improvement of water communication between the Mississippi River and Lake Michigan, by the Wisconsin and Fox Rivers," approved July 7, 1870. From this statement it appears that the whole expenses of the arbitration amount to about $21,713 97.

It is not thought that the compensation of the arbitrator selected by the canal company and the fee of their counsel are proper charges against the Government. If it be deemed proper that the United States should pay all the other expenses of the arbitration, an appropriation of $13,713 97 will be required for the liquidation thereof; but if it be decided that only the one-half of the expenses, independent of the expenses and compensation of the arbitrator and counsel on the part of the Government, be borne by the United States, then an appropriation of $11,206 98½ will be required.

WM. W. BELKNAP
Secretary of War.

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IN THE MATTER OF THE ARBITRATION BETWEEN THE UNITED STATES AND THE GREEN BAY AND MISSISSIPPI CANAL COMPANY.

Statement of expenses.—November, 1871, to August, 1872.

Voucher No. 1.	A. L. Smith, witness expenses	$93 70
Voucher No. 2.	N. M. Edwards, witness expenses	59 20
Voucher No. 3.	M. Tarrow, use steamboat Rushford	175 00
Voucher No. 4.	A. Cozzens, hotel and supplies, Green Bay	89 75
Voucher No. 5.	H. B. White, fruit	3 00
Voucher No. 6.	C. Freeman, use steamboat North Star	33 00
Voucher No. 7.	Henry Turner, hotel, Appleton	14 00
Voucher No. 8.	George W. Turner & Co., livery	5 00
Voucher No. 9.	Thomas Wall, use steamboat G. Bouck	92 00
Voucher No. 10.	J. S. Tyler, hotel, Berlin	21 00
Voucher No. 11.	W. D. Fox, hotel, Portage	27 00
Voucher No. 11.	J. S. Simpson, hotel, Montello	16 50
Voucher No. 12.	M. L. Martin, witness fees and port expenses	80 10
Voucher No. 13.	R. H. Sawyer, expenses and reporting. (This not all paid.)	301 75
Voucher No. 14.	C. J. Marshall, copying testimony	71 00
Voucher No. 15.	Telegraph Company	1 25
Voucher No. 16.	James E. Dean, copying testimony	17 20
Voucher No. 16.	Theodore Conkey, witness expenses, &c	25 00
Voucher No. 17.	A. Keutzler, livery, Madison	5 00
Voucher No. 18.	Vilas-House bill, Madison	227 00
Voucher No. 19.	Vilas-House bill, Madison, (not paid,)	14 75
Voucher No. 20.	B. J. Stevens, witness expenses and disbursements	155 71
Voucher No. 21.	Governor Dillingham, expenses paid by company	363 55
	And exchange	1 35
	Governor Dillingham, compensation, $3,000, as fixed by board, one-half paid by company	1,500 00
	Judge J. R. Doolittle's expenses, paid by company, not already included herein	100 50
	Judge J. R. Doolittle, compensation, $3,000, as fixed by board	3,000 00
Total		6,513 97

The above amounts were paid by the Green Bay and Mississippi Canal Company, except one item of $14 75, and part of item in voucher 13. (See vouchers.)

J. R. DOOLITTLE, *Chairman.*

Add to above account, not paid or assumed by the Green Bay and Mississippi Canal Company, the following items:

Expenses of Colonel Larabee, not already included herein	$100 to 200 00
Compensation of Colonel Larabee, as fixed by board	3,000 00
Expenses E. W. Keyes not already included herein: Witness fees, for which Mr. Keyes is liable	500 00
Compensation Mr. Keyes	5,000 00
Expenses and compensation of attorney employed by company	5,000 00
*One-half of compensation to third arbitrator	1,500 00

The above charges claimed and estimated. The compensation of the arbitrators was agreed upon at $3,000, besides disbursements. The canal company paid the arbitrator chosen by them in full, and paid also, the *one-half of the compensation of the third arbitrator. The canal company paid the whole expenses, as set out in the vouchers numbered from 1 to 21, inclusive, except 19 and 13.

J. R. DOOLITTLE, *Chairman.*

* The other half ($1,500) of the compensation of the third arbitrator is omitted, inadvertently, it is presumed, in the above statement.

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LIGHT-HOUSE AT NEW HAVEN HARBOR.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of March 20, relative to removing the light-house at New Haven Harbor, Connecticut, to Southwest Ledge.

APRIL 5, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 2, 1872.

The Secretary of War has the honor to invite the attention of the House of Representatives to the accompanying report of the Chief of Engineers and its inclosure, on the subject of the expediency of removing the light-house at New Haven Harbor, Connecticut, to Southwest Ledge, which are based on the resolution of the House of the 20th ultimo asking for information on that subject.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 1, 1872.

SIR: In compliance with the following resolution of the House of Representatives of March 20, "that the Secretary of War and the Secretary of the Treasury be requested to inquire into the expediency of removing the light-house at New Haven Harbor, Connecticut, from its present position to Southwest Ledge, so called, near the entrance of said harbor, and make report to this House," I beg leave to transmit herewith a copy of a letter on the subject, dated March 27, 1872, from Major G. K. Warren, Corps of Engineers, the officer in charge of the improvement of New Haven Harbor, to whom the question was referred. Major Warren's letter, it is believed, will afford the information contemplated by the resolution.

The resolution is herewith returned.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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ENGINEER OFFICE, UNITED STATES ARMY,
Newport, Rhode Island, March 27, 1872.

I have the honor to submit the following report in regard to the expediency of removing the light-house at the entrance to New Haven Harbor, Connecticut, from its present position to Southwtest Ledge.

I would recommend that the change be made for he follow ing reasons:

1st. In approaching the harbor from the eastward the light is not visible until nearly abreast of it, being shut out by woods. In coming from the westward the light is so situated as to render its position very deceptive, making it appear nearer than it actually is; many vessels ground on the west-shore flats from this cause.

2d. If the light-house was on the ledge vessels could run for it until it was close aboard, then haul to the northward, pass to the westward of the light and head up the harbor directly for the fixed red light on Long Wharf, thus following the line of best water up the harbor, avoiding all rocks and shoals. The light-house would also serve as an excellent channel-mark by day as well as by night. In consequence of the present position of the light it is necessary to run by bearings and estimated distances, thus rendering dangerous the entrance to the harbor.

3d. The woods in the vicinity of the present light-house so deaden the sound of the fog-bell that in fogs accompanied by a southerly breeze it is impossible to hear the bell more than six hundred or seven hundred feet, except when directly abreast to the westward of the light. This would be obviated by placing the light-house upon the ledge. Besides thus greatly improving the entrance to the harbor itself, the position of the light on Southwest Ledge would be about one mile farther out in the sound, and would furnish an excellent object for vessels passing along the sound to steer by and correct their positions from in thick weather. New Haven Harbor is much used as a harbor of refuge, and should the light-house be placed on Southwest Ledge, vessels whose captains were not acquainted with the harbor, could readily find refuge. The nearest lights are the Falkland Island light, twelve miles to the eastward, and Stratford light, twelve miles to the westward. Every reason that occurs to me justifies the removal of the light to Southwest Ledge. Five-Mile Point should be reserved as a site for a fort. Southwest Ledge has now over it, at mean low water, 7.5 feet, and is composed of granitic rock. The contours of the rock on a scale of 10 feet to the inch are shown on a tracing I sent you with my report of December 23, 1871. (H. Ex. Doc. No. 137.)

I return herewith the copy of the resolution sent me.

Yours, respectfully,

G. K. WARREN,
Major Engineers, Brevet Major General U. S. A.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers U. S. A., Washington, D. C.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 238.

BOARD OF PILOT COMMISSIONERS, NEW YORK.

LETTER

FROM THE

HYDROGRAPHIC INSPECTOR OF THE COAST SURVEY OFFICE,

IN ANSWER TO

A resolution of the House relative to the board of pilot commissioners of New York.

APRIL 5, 1872.—Referred to the Committee on Commerce and ordered to be printed.

UNITED STATES COAST SURVEY OFFICE,
Washington, April 2, 1872.

SIR: In the temporary absence of the Superintendent of the Coast Survey, and by his direction, I have the honor to forward herewith, in obedience to a resolution of the House offered by Hon. S. S. Cox, of New York, a copy of the report of the Superintendent of February 16, 1872, to the board of pilot commissioners of New York, together with a chart of part of the harbor of New York, accompanying and illustrating said report.

Very respectfully, your obedient servant,

C. T. PATTERSON,
Hydrographic Inspector of Coast Survey.

Hon. J. G. BLAINE,
Speaker House of Representatives.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 239.

JOHN T. JOHNSON.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

House bill No. 1867, with his objections.

APRIL 1, 1872.—Referred to the Committee on the Judiciary, with leave to report at any time, and ordered to be printed.

To the House of Representatives:

I herewith return, for the further consideration of Congress, House bill No. 1867, "An act for the relief of James T. Johnson," without my approval, for the reason that the records of the Treasury Department show that the lot sold in the name of J. T. Johnson, situated on Prince street, Alexandria, Virginia, for taxes due the United States, is numbered 162 instead of 163, as represented in this bill. With the exception of this discrepancy in the number of the lot, there is no reason why the bill should not receive my approval.

U. S. GRANT.

EXECUTIVE MANSION, *April* 1, 1872.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 240.

CONTINGENT EXPENSES OF THE TREASURY DEPARTMENT.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

According to law, statement of contingent expenses of the said Department.

APRIL 10, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., April 4, 1872.

SIR: In accordance with the requirements of the 20th section of the act of August 26, 1842, I have the honor to transmit herewith a statement of the expenditures on account of contingent; fuel, lights, and miscellaneous items; furniture; and carpet appropriations of this Department for the fiscal year ending June 30, 1871.

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

Expenses of the Treasury Department for the fiscal year ending June 30, 1871.

Name.	Article.	Amount.
	CONTINGENT.	
[illegible]an Telegraph Company	Telegraphing	$75 83
[illegible]s Duffy	Caning and covering chairs	37 10
[illegible]pler	Thermometers	11 85
[illegible]ran	Horseshoeing	1 88
[illegible]dlins	Washing towels	5 25
[illegible]s Wilson	Stencil-plates	4 00
[illegible]s Boyd & Co	Directories	8 00
[illegible]land	Set of harness	50 00
[illegible] Copeland	Awnings	62 00
[illegible]terman & Co	Freight on bundles from Italy	3 50
[illegible]lear	Washing towels	10 00
[illegible]aning	Hemming towels	60 50
[illegible]se	Washing towels	15 00
[illegible]Lambie	do	34 35
[illegible]s Summa	do	10 00
[illegible]rning	Livery for horses	104 16
[illegible] Wyvill	Sundries	41 75
[illegible]ler	Washing towels	5 00
[illegible]rning	Livery for horse	25 00
[illegible] Bateler & Bro	Sundries	93 27
[illegible]ngarten	Stamp and repairing	16 50

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount
	CONTINGENT—Continued.	
L. F. Clark	Matting, &c	$71 25
H. De Mareil	Subscription to Franco-American	12 00
Metropolitan Railroad Company	Tickets	30 00
Washington and Georgetown Railroad Company.	....do	31 25
Pittsburgh Gazette	Subscription	8 00
Frances Lyles	Washing towels	8 6
H. Blau	Laying matting and carpet	111 00
Bookbinders	Pay-roll for month	596 11
T. H. S. Boyd & Co	Subscription to Directory	5 00
Franklin Telegraph Company	Telegraphing	4 56
L. H. Schneider	Sundries	65 72
Richard Hill	Livery of horse	25 00
John McDermott & Bros	Sundry repairs	63 00
Franklin Telegraph Company	Telegraphing	8 67
George Smith	Examining mule	5 00
Z. D. Gilman	Camphor, &c	26 70
N. Callan	Acknowledging deed	1 00
Evening Star Company	Advertising sale of old desks, &c	3 00
Franklin Telegraph Company	Telegraphing	246 75
John McDermott & Bros	Repairing carriages	75 75
P. Flemming	Care of horses and carriages	97 50
Emily Williams	Washing towels	31 04
Adams Express Company	Freight	25 30
Western Union Telegraph Company	Telegraphing	167 90
A. A. Watts	Washing towels	29 34
Metropolitan Railroad Company	Tickets	30 00
J. F. Doran	Horseshoeing	2 25
S. M. Baldwin	Stencil plates and ink	4 25
H. Blau	Fitting and laying carpet	61 35
Kneessi & Norfleet	Set of harness	45 00
A. R. Shepherd & Bros	Tubing, &c	55 50
H. Kimmell	Repairing ice-pitcher	11 25
Eliza Barbour	Washing towels	10 00
Neill & Horigan	Horseshoeing	25 25
H. M. McKean	Rent of house for file-room, Second Auditor	100 00
Victoria Byrne	Washing towels	15 00
Frances Lyles	....do	8 00
Rose Collins	....do	6 00
Philp & Solomons	Books	4 00
Rowland & Burgess	Repairing harness and straps for packing account for Second Auditor.	134 75
E. L. Lambie	Washing towels	29 16
Virginia Butler	....do	5 00
Ellen Flemming	....do	4 00
Emma Simms	....do	14 72
Emily Williams	....do	25 20
Uriah Daily	....do	13 16
Richard Hill	Care of horse and carriage	24 00
L. F. Clark	Shade, cord for pictures, &c	24 75
Thomas Duffy	Caning and covering chairs	7 50
Bookbinders' pay-roll	Pay-roll for month	594 00
A. J. Gunning	Car-tickets	12 00
L. H. Schneider	Sundries	61 00
L. H. Bosley	Medical treatment of mule	7 00
Franklin Telegraph Company	Telegraphing	57 00
Metropolitan Railroad Company	Tickets	30 00
T. H. S. Boyd & Co	Subscription for four months Directories	7 50
William J. Murtagh	Subscription to Republican for different bureaus	7 00
Philp & Solomons	Subscriptions	15 00
French, Laugren & Co	Directories	22 00
Joseph Green	Making money-bags	21 00
S. M. Baldwin	Stencil-plates and ink	3 00
Western Union Telegraph Company	Telegraphing	132 00
Z. D. Gilman	Sponge, &c	2 00
Neill & Horigan	Horseshoeing	2 00
Yates & Wiswall	Binding canvas, &c	30 00
Adams Express Company	Freight	110 00
A. B. Mullett	Keeping horses	27 00
W. H. & O. H. Morrison	Books	12 00
Polly Hawkins	Washing towels	14 00
Sophie Holmes	....do	14 00
G. Snowden	....do	7 00
E. L. Lambie	....do	23 00
Mary Hall	....do	14 00
McDermott & Bros	Repairing carriages	8 00
Rowland & Burgess	Traces and repairing harness	12 00
New York Daily Bulletin Association	Subscription	8 00
John McCormick	Washing towels	29 00

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	CONTINGENT—Continued.	
[illegible] L. Major	Washing towels	$39 00
[illegible] Baumgarten	Dies and ribbons	8 50
W. J. Murtagh	Subscription to Republican	6 00
Artens & Bourne	Subscription to Shipping and Commercial Bulletin	9 00
J. F. Doran	Horseshoeing	2 63
[illegible] Bell	Keeping horse	25 00
[illegible]klin Telegraph Company	Telegraphing	85 25
W. Daily	Washing towels	6 50
A. A. Watts	do	10 00
[illegible] Butler	do	5 00
[illegible] Williams	do	34 16
[illegible] Baumgarten	Stencil-plates, &c	2 95
[illegible] Barbour	Washing towels	10 00
H. Egan	Laying and fitting carpet	18 00
John McDermott & Bros	Repairing carriages	26 25
Thomas Kelly	Horseshoeing	34 50
[illegible] Collins	Washing towels	4 00
[illegible] H. Schneider	Sundries	23 80
W. D. Wyvill	do	26 35
[illegible]ha Hickman	Washing towels	30 00
[illegible]ard Lyles	do	8 00
[illegible]k Bell	Sealing ships' registers	25 00
Thomas Duffy	Caning and covering chairs	97 25
Washington and Georgetown Railroad Company.	Tickets	51 25
[illegible] Fox	Repairing and laying carpets	3 00
[illegible] J. Murtagh	Subscription to National Republican	6 00
[illegible]Brand	Washing towels	19 50
[illegible]anders	Pay-roll for month	584 41
[illegible]es J. Joyce & Co	Repairing carriages	145 76
[illegible]politan Railroad Company	Tickets	50 00
[illegible]ercial Chronicle	Subscription	10 00
[illegible] Saul	Seed	3 90
[illegible] Baumgarten	Ribbons, &c	94 00
[illegible]	Washing towels	15 00
[illegible]ke & Co	Gold for photographer	22 70
Washington and Georgetown Railroad Company.	Tickets	50 00
[illegible] Fleming	Washing towels	4 00
[illegible] W. Renfro	do	6 37
[illegible] Falls Ice Company	Ice for quarter	2,158 04
[illegible] Mallett	Keeping horses	240 00
[illegible] Union Telegraph Company	Telegraphing	160 81
[illegible] Wiswall	Salt-sacks	28 50
[illegible]phs	Subscription to Commercial Advertiser	9 00
[illegible] Graham	Hay	68 90
[illegible] Bestor	Subscription to Annairé de l'Economie	2 00
[illegible]arten	Repairing stamps, ribbons, &c	12 87
	Making and laying carpet	141 90
[illegible] Hill	Keeping horse	25 00
[illegible] Pratt	Hemming towels	20 40
[illegible] Duffy	Covering and caning chairs	107 05
[illegible]ton and Georgetown Railroad	Tickets	50 00
[illegible] Telegraph Company	Telegraphing	199 84
[illegible] Winslow	Subscription to commercial list	4 00
[illegible] Kelly	Horseshoeing	12 75
[illegible]an	do	2 00
[illegible]ner & Co	Sawdust	2 25
McDermott & Brothers	Repairing carriages	254 00
McKean	Rent of building for 2 months	200 00
[illegible]y	Repairing of harness	6 25
[illegible] Herald	Subscription	12 00
[illegible]ms	Washing towels	13 12
[illegible]	Making 1,200 file boards	74 00
[illegible] Ice Company	Ice for Bureau of Statistics	38 14
[illegible] States Mint	For pure silver for photographer	140 00
[illegible]y	Repairing harness	16 50
[illegible] Major	Washing towels	10 00
[illegible] Simms	do	4 08
[illegible] Bell	do	13 00
[illegible]y	do	8 50
[illegible]ghorn	do	1 62
[illegible] Miller	do	11 58
[illegible]nahan	do	12 96
[illegible]row	do	10 50
[illegible] Rollins	do	8 75
[illegible]w	do	9 66
[illegible]kins	do	5 41
[illegible]ann	do	13 58

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	CONTINGENT—Continued.	
Mrs. Beggs	Washing towels	$10 67
Mary Fullmore	....do	12 34
D. Sheffield	....do	9 62
Maria Boston	....do	3 62
Frances Avery	....do	4 6
V. Byrne	....do	5 5
Mary Marshall	....do	4 9
Sarah J. Boyd	....do	12 91
Mrs. Fitzmorris	....do	8 21
Margaret Williams	....do	11 5
Margaret Rutherford	....do	16 1
Martha Howe	....do	10 33
Hester Webster	....do	10 21
Mary A. Vaughn	....do	5 79
Mary J. Wayne	....do	5 7
Annie Wilson	....do	14 5
Franklin Telegraph Company	Telegraphing	1 9
L. H. Brady	Medical treatment of horse	9 00
Bookbinder's pay-roll	Pay-roll for month	40 4
Bankers & Brokers	Telegraphing	4
Western Union Telegraph Company	....do	142 1
J. L. Savage	Revolvers	70 0
Andrew J. Joyce	Repairing carriages	206 3
E. W. Woodruff	Patent file-holders	57 5
Charles Nice	File-boards	174 0
Industrial Publication Company	Subscription	5 0
L. H. Schneider	Sundries	106 0
Kneessi & Norfleet	....do	153 0
J. H. Russell	Exchange of horses	200 0
Franklin Telegraph Company	Telegraphing	176 5
B. Homans	Subscription Bankers' Magazine	5 0
H. Blau	Repairing and putting down carpet	53 5
C. C. Hine	Subscription to Insurance Monitor	3 0
Richard Hill	Keeping horse	25 0
McDermott Brothers	Repairing carriages	4
Thomas Duffy	Caning and covering chairs	4 1
J. F. Doran	Horseshoeing	1 2
Adams Express Company	Freight	2
Thomas Kelly	Horseshoeing	2
Franklin Telegraph Company	Telegraphing	14
Mrs. L. B. Pratt	Hemming towels	21
Franklin Telegraph Company	Telegraphing	13
Mrs. Lithgrow	Washing towels	10
D. Sheffield	....do	15
Margaret Rutherford	....do	
Mary Marshall	....do	
Hester Webster	....do	15
Victoria Edmonston	....do	
Mary E. Bell	....do	12
Maria Boston	....do	
Mrs. Beggs	....do	
Francis Avery	....do	
Margaret Williams	....do	14
Jane Bagley	....do	
Julia Hawkins	....do	
Sarah Boyd	....do	9
Annie Wilson	....do	15
Johanna Fitzmorris	....do	
Mary Fullmore	....do	15
Sarah Smith	....do	12
Martha Howe	....do	
Mary Miller	....do	15
Mary Brosnahan	....do	15
Josephine Rollins	....do	15
Eliz. Gunn	....do	15
S. C. Clark	1 copy Mitchell's New Atlas	10
Bookbinders' pay-roll	Pay-roll for month	50
W. H. & O. H. Morrison	Books	153
McDermott & Brothers	Repairing carriages	31
Susie L. Major	Washing towels	
Bankers' Magazine	Subscription for Department	
Price Current	Subscription	12
National Republican	Advertising sale of desks	5
H. M. McKean	Rent of building	100
Mary Wayne	Washing towels	
Adams Express Company	Freight	21
H. Baumgarten	Repairing stamps, &c	30
Western Union Telegraph Company	Telegraphing	243
William C. Bryant & Co	Subscription Evening Post	12

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	CONTINGENT—Continued.	
Thomas Kelly	Horseshoeing	$21 50
...M. McKean	Rent of building	100 00
Franklin Telegraph Company	Telegraphing	170 55
Florence Lithgow	Washing towels	12 83
Martha Howe	....do	11 75
Ella Gunn	....do	9 37
Frances Avery	....do	10 29
J Fitzmorris	....do	11 04
Margaret Williams	....do	14 00
Julia Hawkins	....do	7 58
Delia Sheffield	....do	15 00
Mary Belt	....do	13 38
Mary Miller	....do	15 00
Margaret Rutherford	....do	7 17
Annie Wilson	....do	10 04
Victoria Byrne	....do	4 79
Maria Boston	....do	6 62
Mary Brosnahan	....do	10 04
Mary Marshall	....do	5 20
Josephine Rollins	....do	13 92
Mary Fillmore	....do	11 75
Hester Webster	....do	11 25
Ann Biggs	....do	7 17
Sarah Boyd	....do	5 88
L Murphy	Repairing harness	7 50
Lewis Rice	Cleaning carpet	9 60
Washington and Georgetown Railroad Company.	Tickets	50 00
Tate & Wiswall	Binding, cotton cloth, &c	68 50
Chronicle	Subscription for different bureaus	57 10
J C & R. Cox	American Law Times	3 75
A J Mallett	Moving safe	1 80
F Allen	Repairing carpets, chair cushions	30 56
Mrs L. B. Pratt	Hemming towels	22 00
Somerville & Leitch	Set Bibb cocks, &c	10 10
E W Taxis	Fish and plants	16 60
S. L. McElrath	Subscription to Tribune	10 00
S. F. Clark	Picture-cord	4 20
George H. Fox	Oats and feed	125 48
Robert Murdock	File-boards	240 00
Rose & Co	Carriage hire	15 00
John A. Gray	Lunches for men on report	108 50
Gardner and Brokers' Telegraph Co	Telegraphing	55
McDermott & Brothers	Repairing carriages	17 75
Wm Bell	Sealing ship's registers	25 00
Thomas Duffy	Caning and covering chairs	93 25
Metropolitan Railroad Company	Tickets	50 00
Washington and Georgetown R. R. Co	....do	50 00
P Sullivan	Keeping horses	74 52
Andrew J. Joyce & Co	Repairing carriages, &c	193 25
L I Clark	Window-shades	80 75
Jay Cooke & Co	Gold coin for photographer	22 15
Henry Ansley	Repairs of clocks	28 00
A D Wyvill	Spittoons	101 13
Charles Ullrich	Wax-tapers	10 50
Bank binders' pay-roll	Pay-roll for month	600 41
Great Falls Ice Company	Ice for quarter	1,569 53
Boswell & Norfleet	Repairing harness	14 75
Willard Hill	Care of horses	25 00
P Doran	Horseshoeing	3 63
Mary Wayne	Washing towels	6 50
Susan Smith	....do	17 12
Mrs L. Major	....do	8 00
A J Mallett	Sundry labor	6 25
Robert H. Graham	Repairing carriages	29 00
F C & P. P. Church	Subscription, Army and Navy Journal	12 00
C F Hickman	Washing towels	5 00
A J Mallett	Keeping horses	180 09
L Baumgarten	Ribbons, and repairs of stamps	217 45
C Schneider	Sundries	44 05
Western Union Telegraph Company	Telegraphing	176 24
Adams Express Company	Freight	22 35
L Baumgarten	Repairing stamp	20 60
Thomas Kelly	Horseshoeing	4 25
Silliman & Silliman	Subscription to American Journal of Science	6 00
American News Company	One Webster's Comp. Dictionary	3 50
R W. Farr	Repairing clock	3 00
W M. McKean	Rent of building	100 00
J C Mercereau	One gold-book for 1871	2 00

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	CONTINGENT—Continued.	
H. Blau	Repairing and laying carpet	
Florence Lithgow	Washing towels	
Sarah Smith	do	
Delia Sheffield	do	
Mary Wayne	do	
Mary Fullmore	do	
Eliz. Gunn	do	
Mary Marshall	do	
Margaret Rutherford	do	
Mary Miller	do	
E. Webster	do	
Joe Rollins	do	
Mrs. Fitzmorris	do	
Susie L. Major	do	
Martha Howe	do	
Mrs. Biggs	do	
Sarah Boyd	do	
Maria Boston	do	
Julia Hawkins	do	
Margaret Williams	do	
Frances Hoevy	do	
Victoria Byrne	do	
Mary Brosnahan	do	
John McDermott & Brothers	Repairing carriages	
J. F. Doran	Horseshoeing	
Richard Hill	Keeping horse	
Charles Stott & Co	Drugs, &c	
H. Baumgarten	Stamps, &c	
S. H. Janney	Hay	
James Bradford	Chamois-skin	
John McDermott & Brothers	Repairing carriages	
Mrs. George W. Brown	Books	
G. W. Colton	General Atlas	
Thomas Kelly	Horseshoeing	
Mrs. Belt	Washing towels	
Annie Wilson	do	
Thomas Duffy	Caning and covering chairs	
Thomas Kelly	Horseshoeing	
Washington and Georgetown R. R. Co	Tickets	
Mrs. L. B. Pratt	Hemming and looping towels	
Metropolitan Railroad Company	Tickets	
George W. Evans	Copying contract	
H. Baumgarten	Stencils, &c	
Philp & Solomons	Books	
Redman, Colman & Co	Sawdust	
Yates & Wiswall	Linen	
James Bradford	Soap	
B. Westerman & Co	Book	
Beall & Shoemaker	Feed	
T. H. S. Boyd & Co	Copies of Directories	
Washington and Georgetown R. R. Co	Tickets	
James Soper	Hay	
J. H. Russell	Difference on horses	
A. R. Shephard & Brothers	Gas tubing and stands	
Redman, Colman & Co	Sawdust	
W. H. & O. H. Morrison	Books	
George Butler	Cleaning snow	
E. J. Hall	Oats	
H. Blau	Repairing carpet	
B. Westerman & Co	Freight on foreign book	
Yates & Wiswall	Russia crash	
Robert Murdock	File-boards	
Patrick Sullivan	Keeping horses	
Book-binders' pay-roll	Pay-roll for month	
Adams Express Company	Freight	
Western Union Telegraph Company	Telegraphing	
Franklin Telegraph Company	do	
L. H. Schneider	Sundries	
Andrew Gibney	Mileage to New York on business	
Patrick Sullivan	Keeping horses	
H. M. McKean	Rent of building	
J. H. Saville	Mileage to Philadelphia and return	
John McDermott & Brothers	Repairs of carriages	
Kneessi & Nortfleet	Sundries	
Franklin Telegraph Company	Telegraphing	
J. F. Doran	Horseshoeing	
Beall & Shoemaker	Oats	
Jewett & Chandler	Plates	
Book-binders' pay-roll	Pay-roll for month	

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	CONTINGENT—Continued.	
Washington and Georgetown R. R. Co.	Tickets	850 00
Mrs. L. B. Pratt	Hemming and looping towels	24 00
B. Baumgarten	Seal-press	28 75
Richard Hill	Keeping horse	25 00
N. Callan	Sundries	43 50
Paul Hiser	Flower-pots	10 00
J. G. Bennett	Subscription to New York Herald	12 00
A. H. Bailey	Medical treatment of horse	12 00
J. Murphy	Repairing harness	17 25
W. H. Young	Repairing calculating-machine	30 00
H. Baumgarten	Repairing stamp	5 55
H. Blau	Repairing and laying carpet	163 59
H. Baumgarten	Repairing stamp	18 50
H. Hammerschlag	Five dozen cloth-boxes	60 00
George Butler	Clearing snow	49 00
Western & Co	Subscription to Manufacturer and Builder	1 50
T. B. S. Boyd	36 copies Directory	15 00
R. C. Haines	10 Bryant & Stratton's Interest Tables	50 00
R. Murdock	File-boards	125 00
E. G. Emack	Straw	19 37
Metropolitan Railroad Company	Tickets	50 00
Washington and Georgetown R. R. Co.	do	50 00
J. H. Chatargin	25 copies Directory	100 00
Worthington, Flanders & Co	Subscription to Evening Traveler	10 00
John F. French	Sundry books	14 00
William C. Bryant & Co	Subscription to Evening Post	12 00
A. F. Waters, treasurer	Subscription to Daily Advertiser	23 00
T. S. McElrath	Subscription to Tribune	10 00
J. Tyson	Hay	23 00
Kurt Wayne	Washing towels	4 16
Frances Lithgow	do	14 88
Margaret Rutherford	do	9 58
Mrs. Biggs	do	10 04
Margaret Wilson	do	12 70
Ann Hawkins	do	6 08
Maria Boston	do	5 54
Mary Belt	do	15 00
E. Quinn	do	15 00
Martha Howe	do	6 46
Hester Webster	do	15 00
Annie Wilson	do	15 00
Mary Marshall	do	6 29
Susie L. Major	do	8 00
Jane Robins	do	15 00
Mary Miller	do	15 00
Catharine Byrne	do	7 70
Ann Sheffield	do	15 04
Sarah Boyd	do	7 42
Frances Avery	do	8 58
Susanna Fitzmorris	do	11 50
Mary Fullmore	do	13 84
Mary Brennahan	do	15 00
Sarah Smith	do	15 00
James A. Wiswall	Burlaps	50 12
W. H. Godey	Lime	4 50
James Pollock	Silver for photographer	279 93
Peter Rynead, jr	Coal-oil, &c	4 80
Thomas Duffy	Caning and covering chairs	75 10
T. S. Boyd & Co	Copies of Directory	15 00
Metropolitan Railroad Company	Tickets	50 00
H. Baumgarten	Stamps, and repairs	35 10
Franklin Telegraph Company	Telegraphing	71
J. Doran	Horseshoeing	5 50
Patrick Sullivan	Care of horses	135 00
Washington and Georgetown R. R. Co.	Tickets	50 00
Adams Express Company	Freight	71 00
James Casey	Hay	36 28
C. Lee	Chair-cushions	36 00
A. Rutherford	Mileage to and from Albany	74 80
Isaac Robinson	Hay	25 83
Mary Kemmill	Repairing pitcher	11 50
J. Doran	Horseshoeing	2 38
Jay Cooke & Co.	Gold for photographer	22 25
C. C. Dana & Co.	Subscription to Commercial and Financial Chronicle	10 00
McDermott & Brothers	Repairs to carriages	99 50
H. J. Raymond & Co.	Subscription to New York Times	12 00
S. Winslow & Son	Subscription	4 00
H. Baumgarten	Stamps	15 00
Franklin Telegraph Company	Telegraphing	87 74

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	CONTINGENT—Continued.	
John Bell	Sealing ships' registers	$25 [illegible]
H. Baumgarten	Cutting letters	12 [illegible]
Washington and Georgetown R. R. Co.	Tickets	50 [illegible]
H. Baumgarten	Sundry stamps, &c	20 [illegible]
N. C. Draper & Co	Sawdust	3 [illegible]
H. Baumgarten	Ribbons and repairing stamps	376 [illegible]
A. Yates & Wiswall	Cloth	25 [illegible]
H. Blair	Making and laying carpet	55 [illegible]
Andrew Gibney	Mileage to New York and return	46 [illegible]
Bookbinders' pay-roll	Pay-roll for month	57 [illegible]
Richard Hill	Keeping horse	25 [illegible]
Western Union Telegraph Company	Telegraphing	1 [illegible]
Atwood & Culver	Subscription to State Journal	10 [illegible]
Mrs. L. B. Pratt	Hemming and looping towels	24 [illegible]
Dock Jones	White sand	4 [illegible]
H. Blau	Making and laying carpet	44 [illegible]
J. F. Doran	Shoeing horses	19 [illegible]
Beall & Shoemaker	Hay and oats	13 [illegible]
J. W. Forney	Advertising sale of old desks	6 [illegible]
H. M. McKean	Rent of building	10 [illegible]
J. F. Doran	Shoeing horses	1 [illegible]
Adams Express Company	Freight	95 [illegible]
Franklin Telegraph Company	Telegraphing	10 [illegible]
Mary Marshall	Washing towels	[illegible]
Margaret Williams	....do	15 [illegible]
Mrs. Biggs	....do	11 [illegible]
Susie Major	....do	[illegible]
Sarah Smith	....do	15 [illegible]
Eliz. Gunn	....do	15 [illegible]
Mary Miller	....do	15 [illegible]
Mrs. Fitzmorris	....do	[illegible]
Mary Belt	....do	15 [illegible]
Della Sheffield	....do	15 [illegible]
Hester Webster	....do	15 [illegible]
Mary Fullmore	....do	15 [illegible]
Mary Wayne	....do	[illegible]
Maria Boston	....do	12 [illegible]
Victoria Byrns	....do	14 [illegible]
Sarah Boyd	....do	15 [illegible]
Frances Avery	....do	[illegible]
Julia Hawkins	....do	[illegible]
Martha Howe	....do	[illegible]
Margaret Rutherford	....do	15 [illegible]
Annie Wilson	....do	[illegible]
Mary Brosnahan	....do	[illegible]
Florence Lithgow	....do	11 [illegible]
Joe Rollins	....do	[illegible]
R. M. Miller	White sand	4 [illegible]
Z. D. Gilman	Rubber combs	12 [illegible]
E. W. Woodruff	Patent file-holders	50 [illegible]
Great Falls Ice Company	Ice for quarter	1,455 [illegible]
Franklin Telegraph Company	Telegraphing	62 [illegible]
Richard Hill	Keeping horse	25 [illegible]
Beall & Shoemaker	Corn and oats	125 [illegible]
Bookbinders' pay-roll	Pay-roll for month	554 [illegible]
H. M. McKean	Rent of building	100 [illegible]
Metropolitan Railroad Company	Tickets	50 [illegible]
James Casey	Hay	47 [illegible]
D. W. Middleton	Certified copy of deed	3 [illegible]
John M. Morris	Advertising proposals for ice	[illegible]
Evening Star	....do	[illegible]
Washington and Georgetown R. R. Co.	Tickets	50 [illegible]
Charles L. Caron	Crystal soap	5 [illegible]
John W. Forney	Advertising sale of furniture	[illegible]
T. H. S. Boyd & Co	Subscription to Boyd's directory	15 [illegible]
National Republican	Advertising sale of furniture	5 [illegible]
H. Baumgarten	Stamps and repairs	17 [illegible]
National Republican	Advertising proposals for ice	9 [illegible]
R. Mulligan	Hay	[illegible]
A. C. Shoemaker	Straw	13 [illegible]
Western Union Telegraph Company	Telegraphing	[illegible]
J. F. Doran	Horseshoeing	[illegible]
William C. Bryant & Co	Subscription to Evening Post	24 [illegible]
W. W. Clapp	Subscription to Boston Journal	10 [illegible]
New York Tribune	Subscription	10 [illegible]
Patrick Sullivan	Care of horses	1,35 [illegible]
World Company	Subscription	12 [illegible]
Adams Express Company	Freight	53 [illegible]
Pay-roll	Women washing towels	[illegible]

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	CONTINGENT—Continued.	
Washington City post-office	Postage	$216 54
L. Murphy	Repair of harness	13 50
F. Doran	Horseshoeing	2 00
Adams Express Company	Freight	37 65
F. Doran	Horseshoeing	28 50
L. F. Clark	Cord and tassels	63 75
[illegible] McDermott & Co	Repairs of wagons and carriages	273 25
Waterman & Co	Books	5 25
[illegible] H. S. Boyd	Directories	15 00
A. Wolfe	Fish for fountain	20 65
A. Brown	Shoeing horses	5 00
Washington and Georgetown R. R. Co.	Tickets	50 00
Thomas Duffy	Caning and covering chairs	124 10
H. Bian	Laying carpets, &c	153 45
Franklin Telegraph Company	Telegraphing	5 99
Franklin & Co	Magnifying-glasses	24 00
J. F. Clarke	Rent of building for Second Auditor	150 00
[illegible] M. McKean	do	100 00
H. Rammgarten	Stamps and repairing	15 75
A. A. Whiting	Drayage	4 00
Samuel A. Janney	Hay	44 80
Patrick Sullivan	Care of horses	185 00
Washington and Georgetown R. R. Co.	Car-tickets	50 00
Metropolitan Railroad Company	do	50 00
E. E. Pelton	Subscription to Eclectic Magazine	5 00
Walker White	Night-work	1 00
Jay Cooke & Co	Gold for photographer	44 60
[illegible] Sinclair	Subscription to New York Tribune	10 00
[illegible]mith Hemans	Subscription to Bankers' Magazine	20 00
Washington and Georgetown R. R. Co.	Tickets	50 00
[illegible] C. Shafer	Leather	4 80
[illegible] E. Corbett	Straw	12 19
A. Vanhorn	Hay	23 32
[illegible] J. Raymond	Subscription to New York Times	7 25
W. H. & O. H. Morrison	Almanacs, &c	7 75
[illegible] J. Litt	Hire of carriages	2 50
Powers & Weightman	Drugs, &c	89 63
W. H. Whitney	Mileage	58 16
Franklin Telegraph Company	Telegraphing	186 91
Independent Ice Company	Ice	253 34
[illegible] A. Fish	Mileage	94 25
[illegible]rnell	Washing towels for month	311 54
[illegible]rnell	Bookbinders, for month	650 41
[illegible]al & Shoemaker	Oats, &c	137 50
Western Union Telegraph Company	Telegraphing	232 68
[illegible]ard Hill	Keeping horse	25 00
[illegible]anks, Benedict & Co	Subscription to Cleveland Herald	6 00
[illegible]m B. Dana & Co	Subscription to Commercial and Financial Chronicle	10 00
[illegible]s Express Company	Freight	22 30
[illegible]rgan, Ogilvie & Co	Magazines, &c	15 00
[illegible]e Miller	White sand	7 20
Internal Revenue Record	Subscription	7 00
Washington and Georgetown R. R. Co.	Tickets	50 00
[illegible]d Thompson	Mileage	240 60
[illegible]. & H. T. Anthony	Paper	105 75
[illegible]H. S. Boyd & Co	Directories	15 00
[illegible]m Kimmell	Repairing water-pitchers	6 50
[illegible]ge D. Feller	Shippers' and Express Guide	10 00
[illegible]d Saunders	Sundries	48 00
[illegible]e O. Hagan	Painting	27 00
[illegible]politan Railroad Company	Car-tickets	50 00
[illegible]s Express Company	Freight	43 75
[illegible]	Hay	14 02
[illegible]s Express Company	Freight	113 50
[illegible]. J. Murtagh	Subscription to National Republican	3 50
[illegible]	Stencil-plates, &c	3 90
[illegible] [illegible] Sinclair	Subscription to New York Tribune	5 28
[illegible]anklin & Co	Magnifying-glasses	5 00
[illegible]ner & Rogers	London papers	33 00
[illegible]amin, jr	Patent binders	150 00
[illegible]ew J. Joyce & Co	Repair to carriages, &c	48 12
[illegible]more and Ohio Railroad	Freight	4 36
[illegible]er & Fry	Leather, &c	273 40
[illegible]ington and Georgetown Railroad Company	Tickets	50 00
[illegible]stern Union Telegraph Company	Telegraphing	225 11
[illegible]ve & Bailey	Subscription to Daily Globe	284 25
[illegible]n McDermott & Bros	Carriage and repairs	473 25
[illegible]H. S. Boyd & Co	Subscription to Directories	15 00

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amo
	CONTINGENT—Continued.	
E. C. Bartlett	Mileage	$40
N. C. Draper	Sawdust	
John Bell	Sealing ships' registers	
Thomas Duffy	Caning and covering chairs	
Richard Hill	Keeping horse	
New York Times	Subscription	
L. Walker	Mileage	
Patrick Sullivan	Keeping horses	
Independent Ice Company	Ice	
Charles Nice	File-boards	
John Vanderbilt	Carting	
Benjamin F. French	Books	
Robert H. Graham	Repairing carriage	
H. M. McKean	Rent of building	
New York Evening Post	Subscription	
C. A. Rice	Stencil-plates	
W. H. Whitney	Mileage to Detroit and Indianapolis	
Bookbinders	Pay-roll	
H. Baumgarten	Stamps and seal	
L. H. Brailey	Attending horse	
John H. Clark	Rent of building, (May)	
Chronicle Publishing Company	Advertising	
Beall & Shoemaker	Oats and meal	
Washington Advertiser	Advertising	
Pay-roll	Washing towels	
A. R. Shepherd & Bro	Plumbing-work at green-house	
M. G. Copeland	Awning	
Daily Patriot	Subscription	
B. Westerman	Freight on bundle from Europe	
John H. Clark	Rent of building, (June)	
J. F. Doran	Horseshoeing	
W. G. Murtagh	Subscription to Republican	
Journal of Commerce	Subscription	
Dougherty & Borland	Building green-house per contract	
Franklin Telegraph Company	Telegraphing	
J. H. Boteler & Bro	Spittoons, &c	
Richard B. Mohun & Co	Subscriptions	
George B. McCartee	Engraving-work done	
Evening Star Newspaper Company	Advertising sale of waste paper	
		45
	FUEL, LIGHTS, AND MISCELLANEOUS ITEMS.	
Jerry Gant	Use of horse and cart	
Washington Gas Company	Gas for month	1
Washington Improved Gas-light Co	do	
William Guinand	Coal	
Daily Chronicle	Advertising proposals for coal	
Daily Republican	do	
Jerry Gant	Use of horse and cart	
L. W. Guinand	Coal	1
Washington Gas Company	Gas	1
L. W. Guinand	Coal	
S. Prentiss	Testing scale for weighing coal	
George W. Butler	Putting away coal	
Paul Hiser	Flower-pots	
Washington Gas Company	Gas	1
J. G. Weaver	Upholstering sofa	
Evening Star	Advertising proposals for coal	
Yates & Wiswall	Crash, &c	
Jerry Gant	Use of horse and cart	
B. W. Reed & Sons	Concentrated lye	
Redman, Colman & Co	Sash	
H. Hoffa	Clock-tools	
W. W. Burchell	Oil, soap, &c	
J. W. Boteler & Bro	Brooms, &c	
Charles Ullrich, jr	Torches and keys	
Jerry Gant	Use of horse and cart	
Adams Express Company	Freight	
W. D. Wyvill	Buckets, &c	
N. W. Burchell	Oil	
Washington Improved Gas-light Co	Gas	
Washington Gas Company	Gas per month	1
J. W. McKnight	Brooms, brushes, &c	
J. W. Boteler & Bro	Soap, &c	
George W. Barker	Sundries	
A. R. Shepherd & Bro	Shades and holders	
W. D. Wyvill	Sundry articles of hardware	
John Douglass	Flower-roots	

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	FUEL, LIGHTS, AND MISCELLANEOUS ITEMS—Continued.	
L. H. Schneider	Keys, &c	$74 17
H. Baumgarten	Stencils, &c	25 20
Jerry Gant	Use of horse and cart	75 92
[illegible] M. Hayward & Co.	Soap-stone sinks	23 25
[illegible] F. Clark	Window-shades	312 00
Abram Fort	Demurrage on coal	40 30
[illegible] E. Miller	2 tons red-ash coal	17 78
Washington Gas Company	Gas per month	1,933 12
Washington Improved Gas-light Co.	do	4 88
[illegible] & Wiswall	Towels, drilling, &c	396 50
[illegible] W. Burchell	Oil, &c	20 63
Jerry Gant	Use of horse and cart	60 62
Thomas Johnson	4½ days' work	15 75
[illegible] W. McKnight	4½ dozen tumblers	103 00
Washington Gas Company	Gas for month	1,954 42
W. D. Wyvill	Sundry hardware	96 25
Jerry Gant	Use of horse and cart	61 87
[illegible] F. Clark	Picture cord	125 71
Washington Gas Company	Gas for month	1,853 66
Thomas Duffy	Caning and covering chairs	81 60
Jerry Gant	Use of horse and cart	53 50
W. D. Wyvill	Buckets, &c	166 18
[illegible] H. Schneider	Sundry hardware	69 25
[illegible] F. Baker	Upholstering sofa and lounge	11 00
[illegible] J. Shepherd & Bros.	Grate, &c	20 00
[illegible]ington Gas Company	Gas for month	1,774 36
[illegible] Gant	Hauling for month	66 75
[illegible] D. Wyvill	Water-coolers, &c	204 50
[illegible] W. Burchell	Soaps, &c	160 61
[illegible] H. Schneider	Hardware	63 77
[illegible]ington Gas Company	Gas for month	1,800 19
[illegible] J. Shepherd & Bros.	Gas-tubing, drop-lights, &c	211 32
[illegible] P. Gilman	Sponge, &c	24 97
[illegible] & Norfleet	Repairing harness, &c	133 00
[illegible]	Repairing and laying carpet	27 16
[illegible]dependent Ice Company	Ice for month	195 71
[illegible] W. Burchell	Sundries	30 08
[illegible] G. Copeland	Awnings	41 50
[illegible] W. Woodruff	Patent file-holders	94 00
[illegible]omas Duffy	Caning and covering chairs	100 35
[illegible]erry Gant	Work with horse and cart	57 50
[illegible]argaret Williams	Washing furniture-covers	6 50
[illegible] D. Wyvill	Water-coolers, &c	141 45
[illegible]ington Gas Company	Gas for month	1,625 01
[illegible] W. Burchell	Sundries	99 52
[illegible] H. Schneider	Sundry hardware	332 40
[illegible]m A. Baker	Lawn-mower	25 00
[illegible]erry Gant	Use of horse and cart	63 75
[illegible]m A. McGraw & Co.	Whitewash-brushes	45 00
[illegible] Woodruff	File-holders	140 00
[illegible]arles Nice	Boxes	17 60
[illegible]ker & Wiswall	Crash	93 75
[illegible] G. Copeland	Awnings	381 30
[illegible] Baumgarten	Repairing stamps, &c	72 50
[illegible]ston & Hopkins	Boards	60 00
[illegible]rge Goodall	Gas-meter	350 00
[illegible]rfleet & Norfleet	Repairing harness, &c	133 00
[illegible]ington Gas Company	Gas for month	1,532 38
[illegible] H. Schneider	Hardware	45 85
[illegible] J. Shepherd & Brothers	Gas fixtures	477 24
[illegible]ker & Wiswall	Towels, crash, &c	550 00
[illegible] P. Gilman	Rubber combs	28 50
[illegible]ington Gas Company	Gas for month	1,140 45
[illegible]rican Telegraph Company	Telegraphing	57 78
[illegible]erry Gant	Use of horse and cart	70 80
[illegible] B. French	Books	10 00
[illegible]rfleet & Norfleet	Harness, &c	537 75
[illegible]ll & O. H. Morrison	Books	72 00
[illegible] Baumgarten	Stamps and stamp ribbons	764 50
[illegible]ker Brothers	Soaps	567 00
[illegible]ias Sabine	Theodolite	175 00
[illegible]ge F. Doran	Horseshoeing	22 50
[illegible] F. Clark	Window-shades	300 00
[illegible] P. Gilman	Insect-powder	12 25
[illegible]rson J. Gunnell	Mileage on business	92 20
[illegible]rge Rynear, jr.	Oils, &c	14 00
[illegible]omas Duffy	Caning and covering chairs	15 75
[illegible]timore and Ohio Railroad	Freight	6 17
[illegible]ional Republican	Advertising	25 50

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount
	FUEL, LIGHTS, MISCELLANEOUS ITEMS, &c.—Continued.	
Andrew J. Joyce & Co	Repairing carriages	[illegible]
N. W. Burchell	Soap, matches, &c	[illegible]
Charles Nice	File-boards	165 [illegible]
John Shafer	Side of buff leather	6 [illegible]
Henry Ansley	Clocks	174 [illegible]
W. D. Wyvill	Water-coolers	181 [illegible]
M. G. Copeland	Awnings	[illegible]
Washington and Georgetown R. R. Co.	Tickets	[illegible]
Baltimore and Ohio Railroad	Freight	[illegible]
B. W. Reed & Sons	Baskets, dusters, pails, &c	1,622 [illegible]
W. C. Cowan	Coin-bags	110 [illegible]
L. H. Schneider	Sundry hardware for cabinet-shop	1,064 [illegible]
Adams Express Company	Freight	136 [illegible]
Yates & Wiswall	Crash, towels, linen, &c	270 [illegible]
Adams Express Company	Freight	107 [illegible]
Washington Improved Gas-light Co.	Gas	4 [illegible]
Western Union Telegraph Company	Telegraphing	150 [illegible]
John Saul	Flower-roots and bulbs	120 [illegible]
E. W. Woodruff	File-holders	315 [illegible]
F. & J. Rives & G. A. Bailey	Subscription to Daily Globe	[illegible]
Herman Retger	Photographic lens for photographer	[illegible]
W. D. Wyvill	Soap and brushes	505 [illegible]
W. M. Shuster & Brother	Green merino	3 [illegible]
Western Union Telegraph Company	Telegraphing	3 [illegible]
Scovill Manufacturing Company	Apparatus for photographer	1,314 [illegible]
Samuel Loyd	Washing sheets	122 [illegible]
J. W. McKnight	Six dozen assorted files	[illegible]
B. W. Reed & Sons	Sundries	[illegible]
John McDermot & Brother	Carriage and repairs	700 [illegible]
E. & H. T. Anthony	Apparatus for photographer	614 [illegible]
J. W. Boteler & Brother	Hair-brushes	[illegible]
J. N. Vanderbilt	Hauling three loads of boxes	[illegible]
Scovill Manufacturing Company	Bill of goods for photographer	392 [illegible]
E. & H. T. Anthony	do	134 [illegible]
		45,491 [illegible]
	FURNITURE.	
A. B. Mullett	Repairs, carpentry, &c., July	[illegible]
Do	Repairs, carpentry, &c., August	961 [illegible]
Do	Repairs, carpentry, &c., September	1,061 [illegible]
Do	Repairs, carpentry, &c., October	[illegible]
Do	Repairs, carpentry, &c., November	1,399 [illegible]
Do	Repairs, carpentry, &c., December	[illegible]
Do	Repairs, carpentry, &c., January	[illegible]
Do	Repairs, carpentry, &c., February	[illegible]
Pottier & Stymmus	Set of furniture	[illegible]
G. M. Wight	Case	[illegible]
Charles Nice	Making 30 file-boxes	[illegible]
W. Drane	Two pigeon-hole cases	[illegible]
Do	Rollers for appointment division	[illegible]
A. B. Mullett	Repairs, &c	[illegible]
Yates & Wiswall	Blue-cloth	[illegible]
Cabinet-makers	Pay-roll for month	[illegible]
N. B. Fugitt	Lumber	[illegible]
L. H. Schneider	Hardware	[illegible]
E. H. King	Making and graining case	[illegible]
F. E. Blake	Re-covering and varnishing door	[illegible]
Middleton & Hopkins	Making 5 cases	[illegible]
Do	Making 1 distributing-case	[illegible]
Yates & Wiswall	Merino	[illegible]
Charles Nice	Tags, &c	[illegible]
I. J. Williams	Mahogany	[illegible]
Cabinet-makers	Pay-roll for month	[illegible]
A. B. Mullett	Repairs, carpentry, &c	[illegible]
N. B. Fugitt	Lumber	[illegible]
L. H. Schneider	Sundry hardware	[illegible]
Baltimore and Ohio Railroad	Freight on lumber	[illegible]
G. M. Wight	Furniture	[illegible]
Middleton & Hopkins	Cases	[illegible]
I. Vanderbilt	Carting	[illegible]
M. A. Walter	do	[illegible]
Yates & Wiswall	Towels, crash, &c	[illegible]
George Ryneal, jr	Paints, oil, &c	[illegible]
Cabinet-makers	Pay-roll for month	[illegible]
I. J. Williams & Co	Mahogany	[illegible]
N. B. Fugitt	Lumber	[illegible]
Baltimore and Ohio Railroad	Freight on lumber	[illegible]
Thompson & Co	Drills, &c	[illegible]
L. H. Schneider	Hardware	[illegible]

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Expenses of the Treasury Department, &c.—Continued.

Name.	Article.	Amount.
	FURNITURE.—Continued.	
...n T. Corrigan	File-boxes, &c	$285 20
Daniel Smith	Sawing and turning	13 00
N. W. Burchell	Barrel of alcohol	102 80
A. B. Mallett	Repairing for month	91 51
Do	do	83 60
J. T. Corrigan	File-boards	185 00
J. J. Williams	Mahogany	864 98
John Vanderbilt	Freight and hauling	21 65
... M. Wight	Desks	1,297 00
		21,515 52
	CARPETS.	
W. S. Mitchell & Co	Carpet and matting	$1,916 37
J. H. Saville	Mileage to and from New York	46 40
A. Gibney	do	46 40
H. Ban	Making and laying carpets	124 85
Bigelow Carpet Co	Carpet	119 95
W. & J. Sloane	do	182 04
L. F. Clark	Cocoa matting	430 00
W. & J. Sloane	Rugs	99 96
L. F. Clark	Cocoa matting	457 00
W. S. Mitchell & Co	Carpets	1,005 12
H. Ban	Laying carpets	334 61
W. & J. Sloane	Carpets	5,241 04
Do	do	528 49
John T. Mitchell	do	267 63
Baltimore and Ohio Railroad	Freight	21 15
Do	do	13 65
... Vanderbilt	Hauling	5 25
... Clark	Matting	523 25
...	Making and laying carpets	417 91
		11,841 07

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 241.

APALACHICOLA AND CHATTAHOOCHEE RIVERS.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of April 2, 1872, relative to the Apalachicola and Chattahoochee Rivers.

APRIL 10, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 8, 1872.

The Secretary of War has the honor to send to the House of Representatives, as directed in the resolution of the 2d instant, copies of the report of the survey, by an engineer officer, of the Apalachicola River and the Chattahoochee River, and also copies of the papers accompanying the same.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 6, 1872.

SIR: In compliance with the following resolution of the House of Representatives of the 2d April, "That the Secretary of War is hereby directed to at once furnish this House the surveys of the mouth of the Apalachicola River and of the Chattahoochee River, with accompanying papers," I beg leave to transmit herewith the report of Colonel J. H. Simpson, Corps of Engineers, dated March 28, 1872, on the surveys of Apalachicola River and Apalachicola Bay, and the survey of the Chattahoochee River.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Mobile, Alabama, March 28, 1872.

GENERAL: I have the honor to submit herewith the reports of Captain A. N. Damrell, Corps of Engineers, United States Army, and of Mr. C. P. Trill, civil assistant engineer, on the survey of the mouth and bay of Apalachicola River, with a view to their improvement for purposes

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of navigation, authorized by the act of Congress approved July 11, 1870.

While these reports treat of the improvement of the channels of approach to Apalachicola, I would recommend only as feasible within reasonable limits of expenditure, as recommended by Captain Damrell, the dredging of a channel through the bar at the mouth of the river in the bay, from the 11-foot curve on the inside by the shortest line from deep water to deep water, which is also the line of deepest water in the natural channel, 100 hundred feet wide and 11 feet deep, the width to be afterward increased, if found proper from the success of the first cutting, to 150 or 200 feet, as may be found advisable.

A channel to allow vessels drawing 11 feet of water to pass up to the city, 100 feet wide, would require the excavation of about 200,000 cubic yards of sand and mud, which, at fifty cents per cubic yard, would cost about $100,000, $50,000 of which I recommend should be appropriated by Congress for early operations.

For a channel same depth, and 200 feet wide, about 375,000 cubic yards of excavation, at fifty cents per cubic yard, would cost about $185,000.

It will be noticed that Mr. Trill discusses the project of opening a channel through the eastern part of Apalachicola Bay, (Saint George's Sound,) from the upper anchorage to the East Pass, and also a channel through New Inlet. As neither of these projects promises any permanent improvement, except at very large outlay, both original and constantly recurring, and the project of keeping open the New Inlet channel at its mouth, as proposed by Mr. Trill, by parallel piers extending out to a depth of from 20 to 40 feet, I consider not feasible within allowable limits, I cannot recommend any appropriations for either of these projects.

As connected with the improvement of the harbor and bay of Apalachicola, I also forward herewith the report of Mr. Trill on the survey of the Chattahoochee River.

Mr. Trill has grouped the obstructions into three classes, depending upon the extent to which it may be deemed expedient to improve the river at these points. The first class, at low water, actually stops navigation. The second class is about a foot better in depth of water, but yet needs improvement very much. The third class is not of much importance, but ought to be improved, if possible, to prevent changes for the worse in future.

His estimate for the first class, throughout the whole river, from Columbus to mouth at Apalachicola	$464,000
For the second class	327,000
For the third class	85,185

He recommends the first estimate, or $464,000, as being the only one which will comply with the requirements of unobstructed navigation at all stages of the water, and warrant the efficacy and permanence of the improvements.

In addition, he estimates for completion of survey of the Chattahoochee River	$5,000
Survey of Flint River, very much needed	8,000
Survey of Apalachicola River, on account of the difficult local circumstances, especially from Rico's Bluff, Florida, down	10,000

In conclusion, I would recommend immediate appropriations, as follows: $50,000 for the improvement of the harbor and bay of Apalachicola River; $50,000 for the improvement of the Chattahoochee River

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below Columbus; $5,000 for the continuation of the survey of the Chattahoochee River below Eufaula, to its junction with the Flint; $8,000 for the survey of the Flint River; $8,000 for the survey of the Apalachicola River.

The maps illustrative of the Chattahoochee River survey are one index map, one sketch, and fourteen detailed maps, in all, sixteen.

Those illustrative of the Apalachicola Bay survey are four in number.

All these maps are forwarded to-day by mail in a separate roll.

I am, very respectfully, your obedient servant,

J. H. SIMPSON,
Colonel of Engineers, United States Army.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

REPORT OF BREVET MAJOR A. N. DAMRELL, CAPTAIN CORPS OF ENGINEERS, UNITED STATES ARMY, ON THE IMPROVEMENT OF THE MOUTH OF APALACHICOLA RIVER.

MOBILE, ALABAMA, *October* 15, 1871.

COLONEL: On the 19th of January, 1871, I received the following letter of instructions from you, relative to the examination and survey of the mouth of the Apalachicola River:

"UNITED STATES ENGINEER'S OFFICE,
"*Mobile, Alabama, January* 19, 1871.

"SIR: Having been notified by Mr. James Green, of New York, that, on the 16th instant, he expressed the instruments for the survey of the mouth of the Apalachicola River, you will take measures for the immediate prosecution of that work.

"The purpose of the survey is to ascertain the exact requirements for the improvement of the navigation at that point, and it is important that this information, if at all possible, be obtained for the use of Congress at its present session.

"I have appointed Mr. C. F. Trill your assistant, whom you will direct to proceed at once to Apalachicola, via first steamer from New Orleans, with the proper instructions to inaugurate the survey, pending your official visit to Ship Island and the arrival of the instruments.

"On your return from Ship Island, you will yourself repair to Apalachicola, via New Orleans, and take personal charge of the survey. Mr. Trill's pay will be at the rate of $150 per month.

"The survey accomplished, you, with your assistant, will return to this office for the purpose of plotting your work and reporting results.

"I am, very respectfully, your obedient servant,

"J. H. SIMPSON,
"*Colonel of Engineers, United States Army.*

"Captain A. N. DAMRELL,
"*Corps of Engineers, present.*"

On the same day Mr. Trill received instructions to proceed to Apalachicola.

As soon as the instruments were received, I followed Mr. Trill by the first steamer, and, on the 28th of January, the survey was commenced, and continued as rapidly as the very unfavorable weather which prevailed would allow, until the 23d of April, at which time I received and carried out the instructions contained in the following letter from you:

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"UNITED STATES ENGINEER'S OFFICE,
"*Mobile, Alabama, April* 20, 1871.

"CAPTAIN: I am anxious to take advantage of my leave of absence at the earliest possible moment. I therefore desire you to turn over the survey with which you are charged to your assistant, Mr. Trill, leaving with him full instructions to insure the proper completion of the survey. After completing this duty you will return on the Poe, and report in person at this office.

"You are authorized to retain the Poe as long as may be necessary to enable you to turn over the survey to Mr. Trill to your satisfaction.

"I am, very respectfully, your obedient servant,

"J. H. SIMPSON,
"*Colonel of Engineers, United States Army.*

"Captain A. N. DAMRELL,
"*Corps of Engineers, Apalachicola, Florida.*"

I have the honor of submitting the following report of the survey, during the period I was in personal charge, and the report of Mr. C. F. Trill of subsequent work, accompanied by maps and estimates illustrative. It was presumed that the object of the survey was to determine—

I. The importance of improving the Apalachicola River, at its mouth, as indicated by the present and prospective commerce of theport of Apalachicola.

II. The practicability of such improvements.

III. The best means of making it.

IV. Its cost.

I. The importance of improving the Apalachicola River, at its mouth, as indicated by the present and prospective commerce to be benefited.

Apalachicola is the port at which centers all the commerce to be benefited by the improvement in question.

Present commerce.—It is a city at present of about eighteen hundred inhabitants, situated at the mouth of the Apalachicola River, where it empties into Saint George's Sound, and on the west bank of the river. Its commerce is comparatively small, consisting of the receipt, yearly, by river, of a few thousand bales of cotton, a few hides, and a small amount of lumber, for shipment, and, by steamer from New Orleans, Louisiana, a variety of merchandise, for the supply of Apalachicola and the various cities, villages, and plantations along the Apalachicola, Flint, and Chattahoochee Rivers. The extent and value of this traffic I do not know, as it was not furnished, though repeatedly requested of parties who should have known and have been interested in giving the information; the only data at hand is the following tabular statement, furnished by the deputy collector of customs from the records of the custom house:

	ENTERED.		CLEARED.	
Year.	No. of vessels.	Tonnage.	No. of vessels.	Tonnage.
1866	170	61,728.93	170	61,728.93
1867	105	33,128.70	100	32,025.70
1868	107	25,073.82	112	30,073.80
1869	200	75,129.80	175	64,180.20
1870	150	49,150.75	175	58,230.20

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Prospective commerce.—As the past commerce may have some bearing on the settlement of the question of the prospective commerce, I would state briefly that for several years before the war the trade and population of Apalachicola steadily increased till 1860, at which time it reached its maximum, and then had a population of about 6,000. With regard to its trade at that time I quote the following facts, set forth in a memorial of the city of Apalachicola to the State legislature, taken from Floridian and Journal:

MEMORIAL OF THE CITY OF APALACHICOLA.

TALLAHASSEE, FLORIDA, SATURDAY MORNING,
December 1, 1860.

HOUSE OF REPRESENTATIVES, *November* 27.

Read and ordered to be printed.

To the General Assembly of the State of Florida:

SENATORS AND REPRESENTATIVES: We, the undersigned, citizens of Apalachicola, respectfully petition that you will amend the act of January 10, 1855, entitled "An act to improve the navigation of the harbor and bay of Apalachicola," by authorizing the city of Apalachicola to issue bonds for the sum of $25,000, and that you appropriate the sum of $2,500 per year, for the space of ten years, out of the State's tax of Franklin County, to pay said bonds; the city of Apalachicola to pay the interest on said bonds.

With this amount of money we can cut through the Bulk-head, which obstructs the inner harbor, and thereby afford a passage through the whole of Saint George's Sound to vessels carrying 12 feet of water. We can also clean out the channel, so as to bring 11 feet and 13 feet of water up to the wharves of the city, while at present we have but 6½ feet of water in the channel at high tide. This appropriation would be fully capable of having this great work accomplished. We can purchase the necessary machines, our own citizens can do all the work, and, with the powers given us under the act of 1855, we will have ample means to keep the channel open.

This work would increase the value of a great portion of the city. It would open a large lumber business, it would greatly increase the business done in naval stores, and it would naturally lower the charges on cotton shipped from here and on goods received at this port. The revenue of the State would be greatly increased by the increased amount of taxes which this city would pay.

The commercial importance of this city justifies us in demanding this as a right. We are the great depot of the State. We do more business than each and every other portion of the State put together.

This year we have done over $14,000,000 worth of business. Our foreign export trade, from the 1st of September, 1859, to the 1st of August, 1860, was $3,209,570, being an increase over last year, on foreign exports, of $1,005,895, and we have every hope of an increase next year of our foreign trade. The foreign imports received at this port from the 1st of January, 1859, to 1st of August, 1860, were as follows:

Salt	$19,101 36
Sundries	4,685 47
Molasses	9,529 49
Total	33,316 32

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Foreign cotton exports shipped from 1st of September, 1859, to 1st of August, 1860.

Destination.	No. bales of cotton.	Value of cotton.
To Liverpool	52,577	$2,832,524 19
To Liverpool	391	28,230 57
To Gibraltar	2,068	116,200 00
To Havre, France	1,420	81,396 50
To Saint Petersburg, Russia	2,634	151,219 07
Total foreign cotton trade	59,090	3,209,570 33

Foreign shipments destroyed and partially destroyed by fire at the anchorage during the year, 2,171 bales of cotton for Antwerp, and 2,351 bales for Liverpool, value about $258.610. We have received from the 1st of September, 1859, to 1st of August, 1860, 133,079 bales of cotton, worth about $7,319,345; of this, 71,166 bales were shipped to domestic ports, 59,090 to foreign ports. Residue on hand for shipment. Now, add to this the gross value of tobacco, hides, cedar, lumber, &c., shipped from this port, and the gross value of merchandise received from all ports, and which is consumed and forwarded at Apalachicola, and comes into our harbor, and it will be found to exceed $14,000,000. In this trade there have been cleared at the custom-house at this port, from the 1st of September, 1859, to 1st of August, 1860, 148 vessels; of this number, 31 ships carried freights to foreign ports and 117 to domestic ports.

This is by far a greater amount of business than all the ports of this State added together can show, except this city. To do so great an amount of business you will readily perceive that there must necessarily be a great amount of capital and commercial ability at this city.

* * * * * * *

SAMUEL BEUEZET,
Mayor of City of Apalachicola.
W. D. MACLAY,
G. THIGHAM,
J. M. HUNTER,
ANSON HANCOCK,
Councilmen.
GEO. BUCKMAN,
President of Atlantic and New Orleans Steam Navigation Company.
RICHARD G. PARKER,
President of Apalachicola Chamber of Commerce.

And one hundred and thirty-six others.

OFFICE OF COLLECTOR OF CUSTOMS,
District of Apalachicola:

I, George L. Brockenbrough, deputy collector of customs, do hereby certify that the report and statement of the foreign imports and foreign exports in the above memorial are true and correct, as appears from the records of this office; and, from the best information, I believe the value of the business therein stated to have been done at this port from the 1st of September, 1859, to 1st of August, 1860, to be correct.

Given under my hand and seal of office this 8th day of August, 1860.

GEO. L. BROCKENBROUGH,
Deputy Collector of Customs.

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During the war the commerce of Apalachicola was almost entirely destroyed, but the year after, (1864,) I understand that the amount of business done there equaled, if it did not exceed, that of 1860. The cotton receipts for 1864 I have heard stated as 129,000 bales. Since that time the commerce of the place has steadily and rapidly declined. This loss of trade is due, I think, to two causes; partly and primarily, perhaps, to the bar at the mouth of the river, preventing vessels from coming to the wharves of the city, but compelling them to anchor nearly three miles off and to lighter their cargoes; but principally it is due to the superior advantages offered for getting the cotton to market by the various railroads tapping the Chattahoochee and Flint Rivers and passing through the section of country depending before on Apalachicola to the Atlantic ports, especially to Savannah, to which place probably the greater portion of the commerce lost by Apalachicola has been drawn.

Whether it would ever return, with the harbor improved, is questionable, though undoubtedly the port of Apalachicola would offer advantages, if improved, for shipping the products of and supplying an extensive region along the Apalachicola, Flint, and Chattahoochee Rivers, and the various railroads meeting there.

The length of the navigable portion of these rivers, according to the statements of river pilots, is as follows:

	Miles.
The Apalachicola River, from its mouth to its head, the junction of the Chattahoochee and Flint Rivers	150
The Chattahoochee, from the junction with the Flint to Columbus, head of navigation	250
The Flint from same point to Bainbridge, head of navigation	50
Total	450

On the Chattahoochee River are the flourishing cities of Columbus and Eufaula, six towns, seven warehouses, and ninety-one other landings.

On the Apalachicola River are the city of Apalachicola, the towns of Bristol and Chattahoochee, two warehouses, and thirteen other landings.

On the Flint, Bainbridge, two warehouses, and ten other landings.

The railroads referred to are as follows:

Centering at Columbus, are—

1. The Georgia Central, through Macon to Savannah, with a branch from Macon to Atlanta.
2. Mobile and Girard, through Union Springs, where it crosses the Montgomery and Eufaula, to Girard, its present terminus.
3. Columbus and West Point, (Georgia.)
4. (Under construction.) Bainbridge, Cuthbert, and Columbus.
5. (Under construction.) North and South, from Columbus to Rome.

Centering at Eufaula, are—

1. Eufaula and Montgomery.
2. Southwestern Railroad, (from Eufaula to Macon.)
3. (Under construction.) Vicksburg and Brunswick, (built as far as Troy.)

At Fort Gaines—

A branch of the Southwestern.

At Chattahoochee—

Jacksonville and Pensacola, (running from Jacksonville to Chattahoochee.)

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At Bainbridge—
Atlantic and Gulf, (to Savannah.)

Supposing, however, the cotton trade of the country bordering on the rivers and railroads enumerated to be permanently lost to Apalachicola, there is another, already commenced, which cannot be taken away, and which might become very extensive, and that is the lumber trade. Not having time or opportunity to make a personal reconnaissance to determine the extent of the resources of the country for this business, I have been obliged to conform myself to statements received from parties supposed to be acquainted with the matter.

The following extracts are given from a paper drawn up by P. W. White, esq., and P. Wise, the latter engaged in the lumber business at Apalachicola and the former extensively acquainted with the country:

"From the Apalachicola and Chattahoochee Rivers, as far up as the Alabama line, westward to Pensacola and 60 miles south of the Alabama line, is an unbroken forest of the finest quality of yellow-heart pine, much of it of the description called soft yellow pine. This body of timber is about 130 miles in length, east and west, and about 60 miles in breadth, north and south. There are some bodies of rich hammock and planting land in the vicinity of Marianna, county-site of Jackson County, and some smaller ones in the counties south, southwest, and west of Jackson.

"This body of timber is almost untouched, except near the Choctawhatchee, Escambia, and Pensacola Bays, whence the lumbermen of those places have drawn their supplies for years.

"The Chippola River, rising in Southern Alabama, about 28 miles west of the Chattahoochee, flows in a southerly or southeasterly direction, about one mile to the east of the town of Marianna, and empties into the Apalachicola River about 40 miles above Apalachicola. This stream runs through the heart of the timber regions of Calhoun and Jackson Counties, all of which can find a safe outlet through the Chippola and Apalachicola, with some improvement of the former.

"In addition to the pine forests bordering this stream, there are immense bodies of the finest cypress, extending from above Marianna to its confluence with the Apalachicola, some of it of very great size and length, and generally sound and of easy access. Much of it stands in water deep enough to float it out from where it is cut to the open river.

"There is also a great deal of white-oak and poplar and other valuable woods in the valley of the Chippola, which contribute to the value of its resources."

* * * * * * *

"From the Georgia line, east for 12 miles and south as far as the waters of Saint George's Sound, is a country abounding with a great deal of fine yellow-pine timber. This body of timber, some of it of superior quality and some not so good, extends from the Georgia line to within 20 miles of Apalachicola, as low down on the river as Bloody Bluff, 7 miles below Fort Gadsden.

"Below that point the pine is not accessible from the river."

* * * * * * *

"From the Florida line up as far as 40 miles above Albany, Georgia, on the Flint, and thence east and west for hundreds of miles, into South Georgia and South Alabama, a belt of the finest timber to be found anywhere in the South, extending several hundreds of miles, east of the Flint, west of the Chattahoochee, and between the two for nearly a hundred miles north of the junction of the two."

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Mr. Johnson, a ship-carpenter who resides here, informs me that he has worked the yellow-pine from Spring Creek, which rises between the Chattahoochee and Flint Rivers and empties into the latter, and that it is of the best quality of that kind of timber which is used in ship-building.

Spring Creek is a stream of considerable extent, on which great quantities of this timber abound, and which affords an outlet for it into the Flint.

The same may be said of the pine on both sides of the Flint and Chattahoochee, extending up into Southern Georgia and Alabama, until you approach the hilly country, say 40 or 50 miles south of Macon.

Few mills have been erected in all this vast region, and those which have are for supplying a local demand, which consumes a comparatively small amount of the timber.

* * * * * * *

There are already three saw-mills, with capacity of 160,000 feet per day, in operation in Apalachicola, and two others, I have been informed, are projected.

The lumber for the mills is cut on the Apalachicola, Chattahoochee, and Flint Rivers, and the various streams flowing into them, rafted down to Apalachicola, and there sawed and shipped.

To sum up, there has been a large cotton trade at Apalachicola, which might possibly be restored by improving the harbor, and there will probably be a large lumber trade built up by the same improvement, as the material and water transportation are at hand and the trade is already commenced.

Supposing it, therefore, to be desirable to make the improvement, the next question which arises is its practicability.

Apalachicola River empties into Saint George's Sound, which is a long, shallow expanse of water, about 36 miles from east to west, and varying in width from about 6¼ miles from north to south, at Apalachicola, to about 3¼ miles, at the west end of Dog Island.

Saint Vincent's Island stands between this sound and the Gulf of Mexico to the westward, leaving a narrow, shoal entrance between it and the main-land, called Indian Pass, and another one between it and Sand Island, called West Pass. From this pass a small island, called Sand Island, and a long, narrow sand-spit, partially covered with timber, and from 1¼ miles wide near its west end to ¼ mile near its eastern extremity, called Saint George's Island, extend about 26 miles, closing the sound from the Gulf to the southwest and south, with but two openings, one between Sand Island and Saint George's, narrow and shoal, and the other nearly south from Apalachicola, called New Inlet, which was broken through by a gale on 2d of September, 1837, with about 10 feet of water at that time.

At the east end of Saint George's Island is another outlet to the Gulf, about 3¼ miles wide, called East Pass, separating Saint George's and Dog Island, which latter extends from this pass along the south of the sound, about 6 miles farther. East and West Passes are the ones used by the commerce of Apalachicola.

The West Pass, principally used, allows vessels drawing 11½ feet of water to sail over the outer bar at mean low water and run up to the outer anchorage, a distance, by the channel course, of about 7¼ miles. From this point there is 11 feet of water (excepting a small distance of 10 feet) to the upper anchorage, a distance of about 10 miles by course. From this point to the city the water shoals to about 4 feet on the crest

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of the bar, about one mile from the city, and again deepens to over 20 feet in the river in front of the city.

The East Pass, sometimes used, has a depth over the outer bar and up to the East Pass anchorage, a distance of about 5 miles, by course, of 14 feet, and at the anchorage there is 20 feet of water and a good holding-ground.

From this point the water gradually shoals to the westward toward the city, and within a few miles the bottom becomes very irregular, or lumpy, with a succession of shoals and deep holes; a short distance farther is a bar, or irregular shoal, making out from the main-land almost to Saint George's Island, called Porter's Bar, which throws the deep-water line to the south, and makes a sharp bend in the course of the deepest water. Beyond this bar and about 9 miles from the East Pass anchorage and about 4¾ from the upper anchorage, mentioned in connection with the West Pass, is an irregular bar or shoal extending all the way, in a southerly direction, from the main-land to Saint George's Island, completely closing the sound in this direction, with a depth of water on it, at the point where it is usually crossed by vessels running on the sound, of about 5 feet, which can be carried through to East Pass and the greater portion of the distance 10 and 11 feet.

It will be seen from the above that a bar at the mouth of the river (Apalachicola) blocks the way to the city, both by the East and West Passes, and, in addition, by way of the East Pass the course of vessels is obstructed by the Bulk-head, Porter's Bar, and the Lump.

The conclusion is, therefore, evident that the first thing to be done, in order to improve matters, is to open this bar at the mouth of the river, so that vessels which now come up by way of the West Pass to the upper anchorage can continue up to the wharves of the city. This bar is formed by the combined action of the currents of the river and those formed in the sound by the winds and waves meeting, producing still water, and thereby causing the deposit of sedimentary matter, carried along by the water when in motion, both the mud of the river and the sand from the beach, abraded by the other currents produced by the winds and tides.

The river currents and those formed by the winds are probably the most important in this action, as the tides are very small, varying in rise and fall from .8 foot (neap) and 1.8 feet (spring) (average, 1.3 feet) to extreme tides, with a rise and fall of over 3 feet, produced occasionally by severe gales from particular directions.

Easterly and westerly winds, by producing currents through the sound across the river currents, probably produce the greatest amount of damage in diminishing the depth of water on the bar.

An examination of the bar and information furnished from various sources coincided in showing it to be composed of a crust of hard sand about one foot in thickness, with a substratum of soft mud of considerable depth.

The depth of water on this bar has varied somewhat from year to year, but the change has been comparatively slight of late years.

There is no doubt that it can be opened or improved; in fact, it has already been once done, according to the testimony of several persons, and especially of Samuel Beuezet, esq., for several years a resident of Apalachicola, but now living in North Carolina, and from whom the following facts were principally obtained:

The bar was cut through by a dredge-boat owned by Nathaniel Griswold, of New York, in 1838, a length of 4,000 feet, (width not known,) and to a depth of 10 feet, about, and the cut was used by ves-

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sels. The design was to make the width 120 feet. In February, 1839, the channel was still in use. The total cost of that work I could not ascertain, but think it was about $30,000. A lack of funds led to making a sharp turn in the line of excavation originally projected, in order to reach deep water as quickly as possible, and this bend, the selection of an improper place for the deposit of the materials excavated, (from which it was washed back into the cut,) and the lodging of the hull of a brig, which was burned in the channel, on the bank, are assigned as reasons for the cut filling up.

The channel remained open, however, through the seasons of 1839–'40 and 1840–'41. In the spring of 1841, complaints began to be made of the filling up of the channel. It was completely closed up by a severe gale in September, 1841, leaving a depth of only about five feet. Crooked Channel—a channel to the eastward of the one in question—was then used for several years, the straight channel in the mean while filling up to about 4 feet, and then deepening to about 6 feet, till about 1850–'52, it was again used, and has been used ever since, its depth varying from 5½ feet to 7 feet, supposed at high water, which is about what it is now. If this bar was once opened, the little change indicated on it at present from year to year would seem to indicate it could be kept open at a slight cost per year.

In regard to the best means of improving the river at its mouth, I should recommend the dredging of a channel through the bar from the 11-foot curve on the inside to the same curve on the outside, by the shortest line from deep water to deep water, which is also the line of deepest water, or the natural channel, 100 feet wide and 11 feet deep the width to be afterward increased, if found proper from the success of the first cutting, to 200 feet.

The cost of the improvement would be about as follows:

A channel, to allow vessels drawing 11 feet of water to pass up to the city, 100 feet wide, would require the excavation of about 200,000 cubic yards of sand and mud, which, at fifty cents per cubic yard, would cost about $100,000.

For a channel, same depth and 200 feet wide, about 370,000 cubic yards of excavation, at fifty cents per cubic yard, would cost about $185,000.

The next improvement suggested would be to open a channel through to East Pass, thus opening the navigation of the sound its entire length, and saving the long detour which vessels from the eastward would have to make going around to West Pass.

A preliminary examination in relation to this improvement, and also of New Inlet, was made, but the survey was completed after my return, and the result is embodied in the report of Mr. C. F. Trill, submitted herewith.

Accompanying are tracings of complete maps, showing in detail the various points examined and surveyed for improvement, and a general map showing the bearing of the various points to each other.

I am, very respectfully, your obedient servant,

A. N. DAMRELL,
Captain of Engineers, United States Army.

Colonel J. H. SIMPSON,
Corps of Engineers, United States Army, Mobile. Ala.

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REPORT OF MR. C. F. TRILL, CIVIL ENGINEER ON THE IMPROVEMENT OF APALACHICOLA BAY, FLORIDA.

MOBILE, ALABAMA, *September* 1, 1871.

I have the honor to submit the following report on that part of the survey and examination of the mouth of the Apalachicola River which was made by me in charge, comprising the projected channel route through the eastern part of Apalachicola Bay, from the upper anchorage to the East Pass, and the examination of New Inlet Pass.

As no United States Coast Survey map of the eastern portion of Apalachicola Bay was at the time in existence, the selection of the best places for crossing the different shoals required a very extensive and careful reconnaissance of the whole east bay, which consumed considerable time. The current observations originally intended, and very important, could not be made, on account of the want of reliable meters as well as of time, and on account of the continual rough weather in the advanced season. The fact that the distances between the soundings in sections I A, I B, and III (the latter being the most irregular formation of all) are very large, the incomplete condition of the work at New Inlet, and the want of complete current and discharge observations in river and bay, which are an absolutely indispensable base for the construction of all dikes and side works, as also for determining the proportions of the channels themselves, show that the work cannot be considered completed.

I therefore suggest the following as necessary:

1st. A completion of the survey in sections I A, I B, and especially I I I, at New Inlet, and in the gulf next to New Inlet; an examination in regard to a prolongation of the straight channel, with a depth of 13 feet to the 13-foot hole; an examination of Higgins shoal and West Pass bar, and especially river and tide current, and discharge observations: 1st. In Apalachicola River above Pinhooks Point; 2d. In Florida River, (outlet of Lake Weinico;) 3d. In Little Saint Mark's River, (second mouth of Apalachicola River;) 4th. In the Crooked Channel; 5th. On the bar and in the eastern sections; 6th. At New Inlet; 7th. On West Pass bar; 8th. Some observations showing the direction and the dividing of the current to east and west in the middle part of the bay. Finally, I should recommend experimental borings in different parts of the bay, and especially at New Inlet. The current and tide observations, to obtain true reductions, would have to be continued for twelve months. As, if an appropriation for the dredging should be made, an engineer and assistant, with sloop and party, would have to be stationed in Apalachicola, they could make all the observations in the bay; and for those in the river branches above an extra sum of about $2,500 would be sufficient, to which will have to be added the purchase of the necessary meters, &c., and of six or seven self-recording gauges, the price of which I do not know.

The following shows the result of the work done in this season:

THE EASTERN CHANNEL ROUTE.

As a general description of the bay has already been given by Captain Damrell, I shall say little about this subject. The three shoals between the upper anchorage and the East Pass are the Norman Bar, the Bulk-head, and the Lump. The Norman Bar and Bulk-head have, in my opinion, been formed by the meeting of the two tide currents from East and West Passes.

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If this opinion is correct, which can only be ascertained by current observations, the cuts in these places will have a tendency to fill up again rapidly.

The Norman Bar is not a very great obstacle, having at present, at its best place, 7.5 feet on its crest at mean low tide. The proposed cut follows the line of the natural current. Maximum length of cut, 5,575 feet; maximum depth, 2.5 feet; excavation, 51,000 cubic yards.

The Bulk-head shows three different places which might be selected for crossing.

The first, on the south side, which I deem preferable to all others, lies in the straight line from stake I to the turn-stake No. 7, (sheet No. 3,) in the same line with the best crossing of Norman Bar, also almost parallel to the direction of the natural current. Maximum length of cut, 6,000 feet; maximum depth, 6.25 feet; excavation, 175,000 cubic yards.

The northern passage over Bulk-head shows two distinct bars, divided by a deep hole, with 16 feet water between.

The western portion (section II A) is unimportant, being short, and, on the shoalest place, covered by 8 feet water at mean low tide. The eastern portion (section II B) resembles in its profile very much section II. For section II A the maximum length of cutting is 2,350 feet; maximum depth of cut, 2 feet; excavation, 24,000 cubic yards. In section II B, 6,800 feet, 6.25 feet, and 172,000 cubic yards. Total, 196,000 cubic yards.

The objections against this line are: 1st. More excavation than in section II; 2d. The necessity of three turns, one of which, at stake 5 B, is very sharp; 3d. The natural current crosses it at nearly right angles; therefore, if cut, eddies are liable to form, and the cut would have a tendency to fill up rapidly; 4th. The passage from stake 6 B to stake 8 B is not perfectly clear; several lumps with only 9.5 feet water have to be crossed, though consisting of such soft mud that steamers could, at low tide, actually pass through the same and clear the way themselves.

The third pass over Bulk-head lies in the middle, between the two mentioned, from the point of the 10-foot curve, in section II A, to the deep hole east of Bulk-head. It is clear of the 5-foot curve, but the 10-foot curves on both sides are much farther apart and the shoal spreads over a longer distance. A line of soundings run over it convinced me that its profile is, and its excavation would be, no less than the one of either of the above sections. Besides, sharp turns would have to be made at its deflection from section II A, and around the very hard oyster-bar, with only 5.5 feet water in its eastern part. Also, the passage from there to stake No. 7 is not straight and not perfectly clear. I think this line inferior to both the above; yet a closer examination of the same might be made.

The third shoal, commonly called the Lumps, is not as remarkable for its shoalness as for its extent, it having nearly twice the length of section I or II. There are two channels here. The one nearly follows the line of section III; the second, the deeper, narrower, and more irregular one, lies to the southward of the first, both having a very shoal flat between. Competent pilots, living in Apalachicola for twenty years, assured me that this latter channel was gradually filling up, and a few jettees, erected there in proper position, would soon cause the filling of it to the level of the flat, and the preserving of the proposed cut, which runs straight from the deep water, north of the oyster-bar at stake 9, to stake 11. Maximum length of cut, 9,400 feet; maximum depth, 4 feet; excavation, 140,000 cubic yards.

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As only few places between these three shoals have more than 10 feet depth at mean low water, and therefore dredging to a greater depth than that would increase the amount in some sections almost to double what it is for 10 feet, the excavations have been calculated for this depth only. Thus we have, selecting section II as the most proper crossing of Bulk-head, the excavation for the eastern route:

	Cubic yards.
Section I	51,000
Section II	175,000
Section III	140,000
Total	366,000

which is, at the rate of fifty cents per cubic yard, equal, in cost, to $183,000.

As to the nature of the bottom, and the facilities for dredging in Apalachicola Bay, I have to remark that on the blue-clay bank, which forms the proper bed of Apalachicola Bay, rests a soft mud, evidently the deposit of the river, which is found in all places of 9 or 10 feet water, but all the bars are covered with a very hard crust, varying from 1 to 2 feet in thickness, which is a conglomerate of the said mud with very fine sand, and, on the eastern bars, mixed with small shells. As the mud, through which the cuts would have to go, is so exceedingly soft, I allowed nowhere less than 2.1 slope, and do not think that even this will be sufficient everywhere. The deposits of excavation for the bar at the mouth of the river would have to be made behind the dike in Crooked Channel; for sections I and II, in the south end of the deep holes westward of the shoals; for section III, in the crooked channel south of the flat.

NEW INLET.

This pass, formed by a gale in 1837, is very narrow and deep, the greatest depth in it being 21 feet at mean low water. This deep water is divided from the deepest basin in West Bay, known as the 13-foot hole, by the east end of Higgins Flat, over which there is a channel of 4 feet at mean low water. This channel, however, is so narrow and irregular that it is not fit to be followed by a deep cut; therefore, the shoalest places in the straight cut, proposed on sheet No. 4, would be covered with only 1.5 feet at mean low water, making thus the maximum cut for a depth of 13 feet 11.5 feet. This depth of 13 feet I have assumed, because the 13-foot hole, a splendid anchorage, about 2 to 2½ miles long and ¾ to 1 mile wide, has this depth. The distance of cutting through the inside shoal at New Inlet is 6,000 feet; excavation, 213,750 cubic yards.

From the deep water in the gulf New Inlet is divided by a little ridge running all along the outside beach of St. George's Island at a distance of about ¼ mile from the shore. The deepest cut through this ridge is 10 feet; the distance, 2,200 feet; excavation, 65,200 cubic yards. In this section I think a slope of 4.1 necessary. Total excavation at New Inlet for 13 feet, 278,950 cubic yards, $140,000.

Of the breakwaters necessary for keeping the channel there open, I shall speak hereafter.

THE ADVANTAGES AND DISADVANTAGES OF DIFFERENT ROUTES.

I should not recommend the dredging of the eastern-channel route at all. A difference in distance of 10 or 12 miles, more or less, is not very important with a ship making a trip of several hundred miles.

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The only use for the eastern route I can see would be as a part of the Mississippi and Atlantic Canal, which has been talked of. What I recommend, and what Apalachicola needs, is one channel from the mouth of the river to the Gulf; a prolongation of the river channel from the Tow-head to the outside beach of St. George's Island, with the greatest possible depth. It is evident that the shortest line is the best and will cost the least. Take the $183,000 which the eastern route would cost, and apply them to the obtaining of a greater depth in the one channel and to the proper protection of the same for the future, and you will do more good to the town and its trade than by cutting two or three channels of 10 feet depth, the most of which will be filled up again in four or five years. The best way this one channel can possibly be laid is through New Inlet.

That this route is the shortest is seen by a glance at the map. That it is and will be, for the future, the best, will be shown by the following: The channel to the city is above projected with 11 feet depth. Already, now, the ship-channel in West Bay is insufficient for 11 feet draught. The crest of Higgins Flat, showing on the United States Coast-Survey maps of 1861 11 feet water, has now scarcely 10.5 feet; West Pass bar, having had at the time mentioned 13 feet at mean low water, has now, according to the unanimous statements of the most competent pilots and captains, only 11.5 feet.

Already an improvement of Higgins Flat is necessary, and in a few years one of West Pass bar will become equally necessary. There will be two places to be attended to continually; at New Inlet only one.

But should the city of Apalachicola—which is not unlikely—again become a thriving emporium, as she has been, and a deepening of the channel become desirable, the advantage of the New Inlet line would be still more manifest. An increase of the channel depth of a single foot would, by the way of West Pass, require a continual cut of six miles besides the cut through West Pass bar. In the 13-foot hole, and at New Inlet, the depth of 13 feet—that is, 2 additional feet—would already be there, and for each additional foot the advantage of New Inlet will increase tenfold. An increase of the depth to 13 feet would, assuming the 11-foot channel to the upper anchorage to be completed, require an additional excavation of—New Inlet, 610,000 cubic yards; West Pass, 930,000 cubic yards. And we will be struck much more by the advantages of the New Inlet line, if we consider the necessity of protective works for the channel and the prospects for its being kept open in future. No dredging ever has been done nor ever will be done at a place where any cross-currents exist that would last forever; more especially so, a cut through river bars formed by currents.

The absolute necessity of refilling is shown by the law itself by which the first formation of these bars took place. It is evident that such a bar can, by artificial prolongation of the river banks, be moved out to any desired distance in the sea, but it will always be at the end of the works. How fast this new bar, after each prolongation, will form, and in what distance from the end of the parallels its crest in the mid-channel will be, will chiefly depend upon the velocity of the confined stream in its last section, the proportion in which the profiles increase, and the amount of sediment pushed along by the river, about which items I have, in our case, no data whatever.

It is evident that by carrying our side-works into a lesser or greater depth, by letting them terminate either abruptly or gradually, and by giving different shapes to the mouth of our artificial river, and at last by placing the termination of the work either parallel or under a cer-

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tain angle to the general direction of the tide current at that place, we can obtain either a very steep, abrupt, and shoal bar, or a more spread and level one. Outside of New Inlet side-works or breakwaters would have to be carried to a considerable depth—30 or 40 feet—to secure a sufficient depth for many years to come. How this termination ought to be arranged I cannot determine now, as I am entirely without any data as to discharge, velocities, and directions of currents, &c. As New Inlet is formed in quicksand, the erection of outside parallel piers will be a necessity for keeping a channel open in any case.

The dimensions and cost of the same can only be derived from the depth at which either the blue clay or a sand bed hard and solid enough for foundation is struck, which can only be ascertained by borings.

I.—*Proposed improvement of Apalachicola Bay.*

Straight channel, 200 by 11	$185,000
Eastern channel	183,000
	368,000
Additional work necessary:	
Shutting off Crooked Channel, dams in river, (regulation of profile,) opposite and immediately above the town	30,000
Shutting off Saint Mark's River and structures producing the filling of same	6,000
	404,000
Addition of 10 per cent. for engineers, sloops, and parties and unforeseen expenses	40,400
Total	444,400

Or, in round sum, $450,000.

Without the Eastern Channel, round sum, $275,000.

II.—*Improvement proposed by me by way of New Inlet.*

Cut of 100 by 11 through the bar	$100,000
Cut of 100 by 11 through New Inlet	70,000
All sideworks	200,000
Breakwater at New Inlet, assumed worth	60,000
	430,000
Addition 10 per cent	43,000
	473,000

Or, in round sum, $475,000.

By this system, not only 11 feet, but any depth desired over that, down to the strata of the blue clay, could be obtained and maintained in the channel without further dredging, by merely regulating the profile of the confined stream accordingly. The side works would by no means be all solid and uninterrupted, but would have to be arranged like the parallels and traverses used to produce fills in river improvements, and such as to admit flood-tide from the sides. Also, their tops

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would have to be kept in such depth below the water surface as to allow small craft of 3 or 4 feet draught to sail over them at any time. After a series of years, a prolongation of the breakwater, or the erection of some special structure of small cost, will be sufficient to maintain the required depth in the mouth of the artificial river for generations.

The following plats are furnished:

1. Index map. Scale, $\frac{1}{40000}$.
2. Special maps, on a scale of $\frac{1}{1000}$. The mouth of the river. East Bay. New Inlet.
3. New inlet. Scale, $\frac{1}{200}$.
4. Plans of all the sections, $\frac{1}{200}$, with working profiles. The bar in the mouth of the river.

Section I.
Section II.
Section II A.
Section II B.
Section III.

Very respectfully,

C. F. TRILL,
Civil Engineer.

General J. H. SIMPSON,
Chief of Engineers, United States Army, Mobile, Alabama.

REPORT OF MR. C. TRILL, CIVIL ENGINEER, ON THE IMPROVEMENT OF THE CHATTAHOOCHEE RIVER.

MOBILE, ALABAMA, *March* 25, 1872.

GENERAL: I have the honor to submit the following report on the survey of the Chattahoochee River and the means of thoroughly and permanently improving the same for the purposes of navigation. Having, on the 14th of September, 1871, received orders to take charge of the survey, I left Mobile the 15th, accompanied by Mr. W. R. Warren, assistant to me, and reached Columbus, Georgia, September 16. At this place at first great difficulties were encountered in having the necessary preparations for the trip made.

The leisure time I had during this period I spent in two steamboat trips up and down the river, to which I was gallantly invited by H. Frey, esq., captain of the Barnett line. Thus I gathered a great deal of information and knowledge about the nature of the river, which proved to be very time-saving afterward.

The transit line was finally started October 19, and the work closed at Eufaula wharf, December 10, for this season.

THE NECESSITY OF IMPROVEMENTS IN THE SOUTH.

The South, freed from the influence of slavery, and gradually recovering from the effects of the civil war, is rising up to a future, which necessarily must far exceed its highest prosperity of former days; and the South decidedly has advantages of climate, soil, and natural wealth, almost yet intact, which few of the Northern and Western States share.

The cotton production, this main branch of southern industry, is again increasing year by year, and though it has not quite reached its former culmination yet, it will soon have done so. And since 1865, a thing not known here before, manufacturing has sprung up everywhere

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throughout the Southern States, in a manner which is most promising, and has, assisted by northern capital, in a comparatively short time, already assumed astonishing dimensions. But there is one great pressure lying on the free development of the South. While the North has since 1860 never stopped its activity and progress; has received improvement after improvement; while harbors and rivers were improved, ship-canals dug, &c., nothing has been done for the South; its harbors have filled up; its rivers have become wild streams; it has nothing but a few badly-managed railroads, which exert shameless monopolizing, and which, as long as the country is confined to them alone, must, by their tremendous rates, necessarily produce a pressure much felt by trade and industry.

Therefore free, public, natural routes of communication and transportation are the great want in the South.

THE IMPORTANCE OF THE CHATTAHOOCHEE RIVER.

The country on the Chattahoochee, Flint, and Apalachicola Rivers is one of the most eminent sections of the whole South, milder than the western part, and richer than the prairies of Texas, offering all imaginable advantages to agriculture, manufacturing, and immigration. Along the Chattahoochee and Flint an uninterrupted line of cotton-plantations covers the borders of the rivers, and from the latitude of Bainbridge down, the whole is not, as usually imagined, a miserable swamp, but an immense and inexhaustible forest of the most beautiful pine, cypress, and cedar, offering unlimited advantages to lumber traders; even it is yet an almost unknown country. The cotton-plantations above produce, even those under bad management, never less than one bale or five hundred pounds per acre in the average; on Wolfox plantation sixty bushels of corn have been raised per acre in 1870; the production of sugar-cane is abundant in proportion to its extent; a superfluity of oranges and fruits of all kinds is found; the facilities of raising tobacco, &c., are very great; also I do think that this section of the country would offer great facilities to silk production. I have noticed the finest mulberry growing spontaneously, and the climate is as suitable for the silk-worm as any one can be.

Finally, there is to be mentioned that in this eminent region large bodies of land, belonging to dissolved companies, the larger part of it having been under cultivation before, are for sale here almost as cheap, and have in several instances to my knowledge been sold even cheaper, than Government land in the West, and I think that the immigrant coming here will find more accommodation and facility and will earn the fruit of his labors at an earlier day than in the prairies of the West. And through this prominent region flows a large vein of natural communication, needing only little help by the hand of man—the Chattahoochee—which, united with the equal Flint, passes through the richest timber-land of the world down to the bay of Apalachicola.

This route all the trade and traffic of the country once has gone in days not very far back, and it must again follow the same if the necessary facilities are given; and Apalachicola, and not Savannah, is the natural seaport for Southern Georgia, Southwestern Alabama, and Middle Florida.

The trade of the city of Columbus.

I give here the following statement, for which I am obliged to H. S. Estes, esq., and Captain T. E. Blanchard, of Columbus, showing the trade of the city for 1871:

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	Estimated value.
1. Manufacture:	
Cotton factories: Eagle and Phenix mills	$750,000
Muscogee mills	200,000
Columbus mills	250,000
Sash and blind factory	65,000
Palace flour-mills	35,000
Columbus Iron Works	300,000
Total	1,600,000
2. Receipt of cotton during the season:	
Seventy-five thousand bales	$6,500,000
3. Sales of merchandise in Columbus for 1871:	
Groceries	$2,079,000
Dry-goods	938,000
Hardware	404,000
Boots and shoes	200,000
Drugs	140,000
Furniture	61,000
Guano	50,000
Crockery	40,000
Total	3,912,000
4. The banking capital estimated at	$200,000
The insurance capital, "Georgia Home"	450,000

H. S. ESTES,
President Board of Trade.
T. E. BLANCHARD,
Alderman.

I also cite a statement given by the Columbus Sun:

"COLUMBUS, GEORGIA, *January* 20, 1872.

"*The value of our river and the necessity of its improvement.*

"We give the statistics of the cotton trade of our river. In 1865-'66 we have no record of the separate receipts and shipments, but if our memory is aright, Apalachicola received that year 125,000 bales. We think some 30,000 bales must have gone from Columbus.

"The following table shows the receipts and shipments for each season:

Year.	Received.	Shipped.
[illegible]-67	3,090	3,201
[illegible]-68	7,632	3,226
[illegible]-69	5,204	8,638
[illegible]-70	6,046	150
[illegible]-71	7,495	11
Total	29,467	15,224

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"Thus far this season the receipts have been 3,212, thus making 32,619 bales which have been received at Columbus in four and a half seasons by this source, and 15,224 shipping in five.

"Now when it is considered that immense supplies are sent down the river in exchange for this cotton, the value of the trade is estimated at hundreds of thousands of dollars. Then, too, Eufaula, Fort Gaines, and Apalachicola get large supplies and large receipts of cotton. We do not overestimate when we think that on our river to the bay are annually transported some 35,000 bales of cotton, and millions of produce."

Columbus is the center of the following railroads:

1. Georgia Central Railroad, to Savannah, (to connect with Atlanta.)
2. Mobile and Girard Railroad, to Montgomery.
3. Montgomery and Westpoint Railroad, (branch to Columbus.)
4. Bainbridge, Cuthbert and Columbus Railroad, (under construction.)
5. North and South Railroad of Georgia, to Chattanooga, (under construction.)

Eufaula, Alabama.

About the trade of this city I have no statement whatever. It is a thriving business place, but seems to be more of a trading-station than a manufacturing town. Of the latter kind of establishments, there are to be mentioned only several saw-mills doing a splendid business; but the amount of traffic done, especially in cotton, must be of considerable value. The following railroads meet at Eufaula:

1. Montgomery and Eufaula Railroad.
2. Branch of the Georgia Southwestern Railroad.
3. Vicksburgh and Brunswick Railroad, (under construction.)

A new railroad is projected to Marianna, Florida; surveys are being made.

Fort Gaines, Georgia.

This is a place of considerable trade, with large receipts of cotton, and with a branch of the Georgia Southwestern Railroad.

Bainbridge, Georgia,

on the lower Flint, is, next to Columbus, the largest cotton emporium on the rivers. It receives even more cotton from the Chattahoochee River than Columbus does. I have no exact statement in reference thereto, but competent authorities judge that the amount of cotton annually shipped to Bainbridge, and from there to Savannah, is about 25,000 bales.

Of railroads, there are the Atlantic and Gulf Railroad and the Bainbridge, Cuthbert and Columbus Railroad under construction.

Neil's Landing, Florida,

the river port of Marianna, Florida, and the adjacent country, has to be mentioned as a large cotton place.

Chattahoochee, Florida,

at the junction of the Flint and Chattahoochee Rivers, has also become a place of importance, having been lately reached by the Jacksonville and Pensacola Railroad. A prolongation of the same to Marianna, Florida, and westward is projected.

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Apalachicola, Florida.

At last Apalachicola, the natural seaport for these rivers, cannot be forgotten. Before, during, and immediately after the war, Apalachicola received all the cotton from the Chattahoochee, Flint, Apalachicola, and Tshoupola rivers, amounting to 175,000 bales a year. In 1865 the receipt was yet 125,000 bales; but since that the trade of that city has gone over to the railroads mentioned above, chiefly for the sake of the bad condition of the harbor, having filled up to 5½ feet at high tide. But yet the receipt of cotton in 1870 was nearly 10,000 bales; and Apalachicola is rising again. The place of the cotton trade has been taken by the lumber business. There are at present three saw-mills running there, with a capacity of 160,000 feet of lumber per day, at $15.20 per thousand. Two more mills will be erected this year, and several more yet are projected. Thus rising in importance itself, Apalachicola must also raise the importance of the river.

At last it is to be mentioned that the New York and New Orleans through freight line, via the Savannah and Georgia Central Railroad, and a second freight line from New York to the upper-river country, via Apalachicola, also a line connected with the Jacksonville and Pensacola Railroad, are doing their business by the way of the Chattahoochee and Apalachicola rivers. As to the amount and value of the goods transported by these lines, I have no statement.

The reasons

why the trade on the river is at present not larger are to be sought in the following: During the war of course all business was more or less stopped. After the termination of the same, the few boats that had not been burned or otherwise destroyed were old and rotten, and the most of them not fit to run any longer; no money to build new ones was in the hands of the ruined owners then; and if there was, the bad condition of the river, especially the formation of Bryan's cut-off, in the lower Apalachicola River, which actually did for some time stop all communication, and the decay and filling up of the harbor at Apalachicola, the natural seaport and outlet for the river trade, did not let the undertaking appear promising enough, and so it came that nearly all the trade changed over to the railroads then springing up, to which it is clinging still. But there is no doubt that if the Chattahoochee is properly improved, and at once, also the bay of Apalachicola corrected, and if eastern capital continues to be invested there, as it has been for the last years, the river trade will soon assume larger dimensions than it ever had before, and the traffic will again follow the best and cheapest route. And how great this trade has once already been, and how necessary an improvement of the river is, is shown by nearly two hundred and fifty wrecks on the same.

Surveys made on the Chattahoochee River.

There have already been made several attempts to survey and improve this river. Long before the war—the year I do not know—an appropriation of $300,000 was made by the State of Georgia for improvements of the same. Among the contractors an individual by the name of Barnet was largely concerned. But the thing seems to have taken a miserable termination. All there was completed was a little dam on Wolfox Bar, put up so awkwardly that the next high water had to

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break it; the $300,000, however, disappeared, and nothing had been done. Then, again, shortly before the war, an appropriation was made, so I am informed, partially by the Government and partially by the State of Georgia, of $50,000 altogether, for surveying and improving the river. But the parties trusted with the first part must not have been very competent, as it seems they did not understand how to reduce their soundings to the gauge, and they reported "12 feet of water in the channel throughout the whole river." Therefore this will have to be considered the first regular survey of the river made.

General description of the Chattahoochee River.

After tumbling in continual cascades over the rocks, from the "Lovers' Leap" to Columbus, the river becomes navigable immediately below the city, with a low-water discharge of 2,610 cubic feet per second. From there it flows, with a fall of eight inches per mile, in wide curves, in a generally due southward direction. The width of the river at Columbus is 350 feet, too wide for discharge and fall; and the river has in this part formed a series of shoals, with 2 feet water in the channel. Breaking through the solid strata in the Euchee Rapids, the river is obliged to take a turn to S. 70° E., which direction it keeps for the next 8 miles. In this part frequent shoals, with half foot more than above, are yet found. At Chimney Bluff, 22 miles below Columbus, the river is thrown back to the westward by a high mountain ridge, and flows off S. 20° W., which general course it keeps straight until it reaches Eufaula. Below Chimney Bluff another set of shoals, called the Race Passes, with an average of 3 feet water in the channel, is found for about four miles. Thirty miles from Columbus the river has to pass through another series of strata and forms the Snake Shoals, which are rapids of a milder nature. From the Snake Shoals down, only a few scattered shoals, with not less than 4 feet in the channel, are occasional, until Cowaga River is reached, which brings an additional discharge of 550 cubic feet per second. Below Cowaga River the Chattahoochee has a larger discharge and less fall. Gravel shoals are not found any more, and the Rock Shoals below Eufaula have 1½ feet more water than those above.

For this reason, and knowing that neither appropriation nor time would allow to finish the survey of the whole river in this season, I confined myself chiefly to the upper part of the same, as the one needing improvement most badly, and made the survey of the same as complete as possible. The elevation of the low-water mark at Columbus bridge is, according to the levels of the Mobile and Girard Railroad, 10 feet above the Gulf of Mexico. The total fall from Columbus to Eufaula, a distance of 63½ miles, is 42.30 feet; the average fall in this part nearly uniformly eight inches per mile. The average profile is 300 feet wide, with 2,000 square feet average area. The average discharge in the part which will be most subject to our consideration is 3,000 cubic feet per second. The profile of Euchee Reach comes nearest to the calculated best.

The exact discharges are: At Columbus, 2,610 cubic feet per second; in Euchee Reach, 2,760 cubic feet per second; at Roanoke Island, 3,420 cubic feet per second; at Eufaula, 4,110 cubic feet per second. Mean low water was, by authority of the oldest pilots on the river, assumed equal to the stage of 2 feet on the crest of Wolfox Bar, the shoalest place in the river. Mean low water, 2 feet; yearly mean water, 5 feet; common high water, 15 feet. The lowest water ever known,

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happening once every two or three years in October and November, is 1.20 feet. The extreme range between lowest and highest water is 65 to 70 feet. This range does not change between Columbus and Eufaula, the profiles having the same proportion as the discharges and the river being confined between high bluffs all the way.

A great change in the range takes place between Eufaula and Fort Gaines, and in the Apalachicola River the extreme range is only 4 to 5 feet. The bends of the river are very sharp, the smallest radius being about 500 feet. The average angle between two straight reaches is almost 90°. The material of which all the rock on the river consists is a decayed limestone, commonly called "marl," hard enough, where constantly covered by water, and exceedingly soft and pulverizing, where changing between water and air. It is decidedly too soft for blasting, especially in the flat ledges, yet far too hard for dredging, and the best way I can suggest for its removal is to split it off by means of an instrument similar to the one used in boring artesian wells, only on a large scale. Hard rock is found only in the Beton Rocks, between Euchee Rapids and Chimney Bluff, which are a hard gravel conglomerate. The general slope of all these ledges is to the northward, which seems to be a hint to select, in improving and deepening island chutes, the north branch.

I shall now give special descriptions of the places needing improvement.

I have, according to the dangerousness, &c., grouped these places into three classes: The first-class ones do at low water actually stop the navigation; the second-class places are for about one foot better, but yet do need improvement very much; the third-class places are not of much importance, but ought to be improved, if possible, to prevent a change of the same to the worse for the future. To the first class belong Jennie's Island, Abercrombie, Wolfox Bar, Euchee Rapids, Euchee Island, Cady's Rock, Shell-Creek Bar, Culpepper's Island, the Snake Shoals, Cowaga Shoal, and Francis Bend. To the second class: Cochicolooche Creek, Ledge No. 4, Upatoi Creek, the shoals above and below Euchee Island, the Beton Rocks, the shoals below Cady's landing, Chimney Bluff, the Race Passes, (Middle Race Pass might be named among the first class,) and Roanoke Island. To the third class: The bar in Broken-Arrow Bend, McIntosh Rocks, the middle grounds above Beton Rocks and at Hitchichee Creek, Fountenays, Hannahachee, and Hatchachubbee shoals. I give below three different estimates. The first estimate is calculated for works as complete as they can be erected, securing the thorough regulation of the river for the future; it comprises all three classes of places. As a river steamboat well loaded draws from 4 to 5 feet and the 1.20-foot stage must not stop the trade, I have assumed a channel 100 feet wide, 5.50 feet deep in the center, for 50 feet width and 4 feet on the sides at mean low water, thus leaving 4.70 feet center depth at 1.20 stage, as necessary, and have based the estimates for excavation of rock on this.

The latter, however, I have, considering the scarcity of the soundings, for the sake of safe-going, calculated for 6 feet in the center, which will save the addition of the usual per cent. to this part of the approximate estimate.

In the second estimate the depth is assumed with 1 foot less, equals 5.50 feet at mean low water. This depth is already almost insufficient for all requirements of free navigation at the 1.20 stage, (which, as mentioned above, happens in fall or early winter, just the time when the largest

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business is done.) The third-class places are disregarded in this estimate.

The third estimate, at least, will comply only with the most urgent necessities, a channel depth of 4 feet at mean low water in the center, at a total width of only 75 feet for the rock, and entirely disregard all permanent changing and forming shoals with not less than 4 feet at mean low water at present. It will actually be insufficient, and, except the excavation of the rock, not permanent. Repeated improvements of the river will become necessary after its completion.

This estimate is dealing of the first-class places only. I have, for each of these estimates, assumed the following prices as base:

Excavation of marl, per cubic yard	$0 75
Gravel for filling raised for, (per cubic yard)	0 50
Swimming fascines for foundation-layers, 1 foot diameter, 20 feet long, apiece	0 50
Sink-fascines, gravel filled, 1 foot diameter, 20 feet long, apiece	0 75
Upright hurdles, basket-work, gravel filled, 2 feet diameter, 4 to 5 high, apiece	0 60
Full parallel up to 5-foot mark in 2 feet water, per foot	2 50
Full parallel up to 5-foot mark in 3 feet water, per foot	3 00
Full parallel up to 5-foot mark in 4 feet water, per foot	3 50
Full parallel up to 5-foot mark over 4 feet water, per foot	5 00
Jettee or light traverse to 2-foot mark in 2 feet water, per foot	1 25
Jettee or light traverse to 2-foot mark in 4 feet water, per foot	2 00
Jettee or light traverse to 2-foot mark in 5 feet water, per foot	2 50

The cuts mentioned in several instances are not estimated for, as they will be more than covered by the amount of gravel required for filling in the works.

Estimate No. 1.

1. *Cochicoloochee Creek*, (*sheet No.* 1.)—Although there seems to be a sufficiently wide channel there, the current observations show that rocks No. 1 and No. 2 are dangerous to steamboats descending at great speed. Necessary, the removal of rock No. 1 and a part of ledge No. 2. Cost, $150.

2. *Jennie's Island*, (*sheet No.* 2.)—Here the profile suddenly widens from 300 to over 600 feet. The consequence is that the river splits into two channels and forms the island and shoals. The closing of one chute is required. I should decidedly prefer the right branch. It is already the widest and deepest. It would at once give the best and straightest channel, and requires the least amount of washing out, therefore presenting the least danger of leaving a place below filled up with the shifted material. But, for the reason mentioned above, in the right channel the rock might not be at a sufficient depth below the surface, and the north branch is probably the deepest.

Should borings show that the rock is at the right less than 6 feet below low-water surface, the left branch would have to be chosen. Required works, guiding parallel up to the 5-foot mark, which I assumed as foreland height, and six full traverses, carried at first to — 0.5 and gradually enhanced as the filling takes place. At the lower end of the island the inclining jettees *a–c*, to produce the settling of the shifted material in the hole behind ledge No. 3, and an attack on the shoal on the north side, in order to lead the current in a more regular curve. On that shoal itself the inclining jettees 7–11, for the entire filling up to the 5-foot

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mark. After attack and filling has taken place, a half parallel and covering of slope and foot, with sink-fascines, for the protection of the new-made land. Several half jettees and fangs, to produce more rapid filling of the left branch. The removal of a part of ledge No. 3. Costs, in all, $9,000. Should the left branch have to be chosen, the works would look reversed; also a cut would have to be laid through the island in the line *a b c*, to produce, with two light temporary jettees, the rapid removal of the same. Cost, the same.

3. *Ledge No. 4, (sheet No. 2.)*—Removal of 7,960 cubic yards of marl. Cost, $6,000.

4. *Abercrombie, (sheet No. 2.)*—Removal of 9,000 cubic yards of marl. The jetties 1–4, to produce the filling of the hole at stake 13 and regulation of the current. A part of the excavated material, which, as there is no deep water here to dump it in, will have to be removed, in any case might be used for roughly throwing up the stone jetties *a–c*, tending to the filling of the false channel there and the regulation of the current. The costs would hardly be increased by this. Costs, in all, $6,900.

5. *Rock Shoal above Wolfox, (sheet No. 2.)*—Removal of 8,660 cubic yards of marl. Cost, $6,100.

6. *Wolfox Bar, (sheet No. 2.)*—A cut through little Wolfox Island and two light temporary jettees there for rapid washing. The inclining full traverses, 1-12, which will at first have to be erected without the parallel, with temporary prolongations 50 feet farther into the river, to produce more rapid shifting and the storing away of the washed material on the flat. As the washing takes place their heads will sink, always acting in the way required, until the profile shown on sheet No. 14 is reached, the shape of which they will help to protect. After the filling has taken place up to low-water mark at the heads of the permanent traverses, a full parallel, leaning on to ledge No. 10, will be required to complete the filling and for protection.

Below the bar we must keep the river confined thus, that the velocity does not allow a sediment up to less than 6 feet depth, and prevent the formation of a middle ground by offering the shifting material a receptacle on the inside of the curve. The jetees, which will also preserve the best shape of the profile, must be continued down to Upatoi Creek. Costs, in all, $10,950.

7. *Upatoi Creek, (sheet No. 3.)*—This creek comes into the river under an awkward angle, and is building up a bar in its mouth. The best way would be to lead the creek by the way of *a b c*, and erecting the dividing point *c;* first excavation of soil 8,000 cubic yards. By the dividing point and several jettees, the creek can be caused to deposit its sediment in its own old bed; 600 feet fascine protection is required. Costs, in all, $7,400.

The river must be kept confined to some distance below the creek, till jettee No. 24. The depression of the water-surface by the removal of the Euchee Rapids will yet affect Upatoi Creek with about 0.5 feet.

8. *The bar in Broken Arrow bend, (sheet No. 3.)*—To guard against a future shifting of the channel and bar, the filling of the left chute to 5-foot mark, by the light jettee 1-7. Cost, $250.

No. 9. *McIntosh Rock, (sheet No. 3.)*—Removal of a part of ledge No. 11 and rock No. 11½. Cost, $200.

10. *The Euchee Rapids, (sheet No. 4.)*—Removal of 30,580 cubic yards of marl. Cost, $23,000.

11. *The shoals above Euchee Island, (sheet No. 5.)*—Here the river is too

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wide for its fall and discharge; a confinement of the same from Euchee Creek down is necessary. Cost, $2,500.

12. *Euchee Island*, (*sheet No.* 5.)—Shutting of one island chute. I should prefer the entire removal of the island and a straight channel. Whether this can be done or not without touching the rock-bed will be shown by borings—a preliminary cut through the island and two temporary jettees at the head. At once, erection and gradual enhancing of the traverses in the left chute, with temporary sinking prolongations and the full right parallel. After the new channel is large enough for steamboats, the completion of the left parallel. Cost, in all, $12,400.

13. *The shoals below Euchee Island*, (*sheet No.* 5.)—Here the river is altogether too wide. A continual confinement till Oswitchee Creek and a filling of the false channels by deep works are required. Cost, $6,600.

14. *Moore's Rocks*, (*sheet No.* 5)—Removal of 2,040 cubic yards marl. Cost, $1,550.

15. *The middle ground above Beton Rocks* (*sheet No.* 6,) is produced by the large masses washed out of the deep gully at stake 1030 by every rain. It is continually shifting, and likely to become worse. This must be stopped by filling the false channel to the right and keeping the river confined to a profile at which the current is strong enough to carry away these masses. Cost, $3,500.

16. *The Beton Rocks*, (*sheet No.* 6.)—Blasting of rock No. 35 and the ledge running from it to the right shore; also, rocks Nos. 36, 39, 42, and 43. Cost, $500.

17. *Rock No.* 44, *at Cady's Landing*, (*sheet No.* 6.)—Removal of the same. Cost, $100.

18. *The shoals below Cady's Landing*, (*sheet No.* 7.)—The fall of the river is here greater than above or below; therefore the river is entitled to a narrower profile only. As the profile for low water is already as narrow as it can be, we will have chiefly to rely upon the action of mean and higher water, and must erect higher works. Cost, $6,600.

19. *Shell Creek Bar*, (*sheet No.* 7.)—Built up by Shell Creek. Very strong confinement of the river by a high parallel; traverses 1–8 and jettees opposite, leading out of Shell Creek under a proper angle; first excavation, 2,000 cubic yards, 400 feet fascine protection, and dividing-point *c*. Costs, in all, $7,400.

20. *Chimney Bluff*, (*sheet No.* 7.)—I am under the impression that the shoal place at the point of Chimney Bluff comes from a ledge of rocks. In this case, 2,000 cubic yards of marl would have to be removed. Should the rock lie deeper, other works. Cost, in any case, not over $2,000.

21, 22, 23. *The Race Passes*, (*sheet No.* 8.)—Same case as on Cady's Shoals; strong confinement of the river from Upper Race Pass to Big Bend. In Upper and Middle Race Pass parallels would be good. Costs, for Upper and Lower Race Pass together, $8,700; for Middle Race Pass, $3,500.

24. *Ledge No.* 45.—Removal of the same. Cost, $100. The middle ground below Big Bend, filling of the false channel by the jettees *a–d*.

25. *Culpepper's Island*, (*sheet No.* 8.)—The same case as at Jennie's Island. I should decidedly prefer the left branch, being the straightest, widest, and best, requiring the least shifting of material. Full parallel and traverses. Should the rock-bed not allow the use of this branch, and should the right one have to be chosen, reversed works and a preliminary cut through the island *a b c*. Costs, in both cases, $8,800.

26. *Shoals below Culpepper's Island*.—Confinement of the river will

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have to be continued to some distance below Culpepper's Island, where the shifting takes place. Narrowing and filling of the false channel there is desirable; also, at Hitchichee Creek filling of the false channel and confinement until deep water will be so much more advisable, as the lowering of the water surface by removal of the Snake Shoals will yet be felt here. Cost, $4,100 for both.

27. *The Snake Shoals*, (*sheet No.* 9.)—Removal of 34,800 cubic yards of marl. Cost, $26,000.

28. *Founterray's, Hannahatchee, and Hatchachubbee Shoals*, (*sheet No.* 10.)—The two first ones are so unimportant that their cost would be covered by the remainder of some other work at Hatchachubbee Creek. The removal of a part of ledge No. 55 is necessary. Cost, $150.

29. *Roanoke Island*, (*sheet No.* 11.)—Diversion of the current into two branches and formation of a shoal, which is continually shifting and changing. This must be stopped by shutting one island chute; it is the right one. Full parallel and traverses. Cost, $7,600.

30. *The Cowaga Shoal*, (*sheet No.* 12.)—Removal of 1,200 cubic yards of marl out of ledges Nos. 58 and 59. Cost, $900.

31. *Francis Bend*, (*sheet No.* 13.)—Removal of 5,780 cubic yards out of ledges Nos. 60, 61, 62, 63, and 64. Cost, $4,300.

The traverses and jettees ought not to be placed farther than 150 feet apart; also, it will be sufficient to leave one 25-foot opening in the parallels in each field, or even less than that. Exclusively inclining works have been adopted, because most rapid action is required, especially most rapid filling for the protection of the works themselves.

Total amount of Estimate No. 1	$177,200
Addition of 25 per cent. to the approximate estimate	44,300
Addition of 10 per cent. for engineering	17,720
Total appropriation necessary	239,220

or, in round sum, $240,000.

ESTIMATE NO. 2.

1. Cochicoloochee Creek	$150
2. Jennie's Island	5,800
3. Ledge No. 4	4,000
4. Wolfox bar and shoal above	12,000
5. Abercrombie	5,100
6. Upatoi Creek	2,000
7. The Euchee Rapids	18,000
8. Euchee Shoals and Island	14,800
9. Moore's Rocks	1,000
10. The Beton Rocks and shoal above	1,500
11. Cady's Rock	100
12. The shoals below Cady's Landing	4,200
13. Shell Creek Bar	5,000
14. Chimney Bluff	1,200
15. The Race Passes	7,900
16. Culpepper's Island	6,000
17. Snake Shoals	19,800
18. Roanoke Island	5,200
19. Cowaga Shoal	700
20. Francis Bend	3,000
Total amount of Estimate No. 2	117,450

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Addition of 25 per cent. to the approximate	$29,350
Addition of 10 per cent. for engineering	11,745
Total appropriation necessary	158,545

or, in round numbers, $160,000.

ESTIMATE No. 3.

1. Jennie's Island	$3,000
2. Abercombie	3,000
3. Wolfox Shoal and bar	8,000
4. The Euchee Rapids	14,000
5. Euchee Island	6,000
6. Blasting of Beton and Cady's Rocks	600
7. Shell-Creek Bar	3,000
9. Middle Race Pass	2,000
10. Culpepper's Island	4,500
11. Snake Shoals	14,500
12. Cowaga Shoal	500
13. Francis Bend	2,200
Total amount of Estimate No. 3	63,100
Addition of 25 per cent. to the approximate estimate	15,775
Addition of 10 per cent. for engineering	6,310
Total appropriation necessary	85,185

For the rock shoals from Eufaula till Chattahoochee, Florida, a sum of $120,000 will be sufficient by the scale of Estimate No. 1, and $75,000 by the scale of Estimate No. 2. Thus making the cost of improving the whole river—

No. 1	$360,000
No. 2	235,000

I should not recommend any other estimate but No. 1.

It is the only one that really complies with the requirements of an obstructed navigation at all stages of water, and the only one that warrants the efficacy and permanence of the improvements.

Estimate No. 2 is already almost insufficient for the 1.20 stage. The work on the shoals will be less complete, and therefore more liable to breakage, and require more attention and repairing than above.

Estimate No. 3 really complies only with the most pressing wants, removes only the most dangerous places like Euchee, Wolfox, &c., and those only in an insufficient way. The gravel shoals will be only incompletely amended, and, on account of proper care not being taken of disposing with the shifted material and not the whole river being systematically regulated, new shoals will form, perhaps worse than the present ones.

If Estimate No. 3 should be chosen, and the river have to be kept in its improved state for the future, it would soon be found that this finally will cost more than if Estimate No. 1 had been carried out. In no case there ought to be work done below Estimate No. 2.

There is also to be mentioned at this place Bryan's Cut-off, commonly called the "Slough," in the Lower Apalachicola River, thirty miles above Apalachicola, which is actually the most dangerous place between Eu

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faula and Apalachicola, and needs improvement no less than the Euchee Rapids. The cut-off was formed in consequence of obstructions erected by the confederates in Virginia Bend.

It is at present 80 to 120 feet wide, extremely rapid and crooked, full of dangerous snags, and becoming worse and more crooked every year. The land on both sides is swampy, with dense timber, nearly constantly overflowed.

The best way of improving this whole place would be a cut of sufficient radius from Cusseta Bend into river Styx, distance about 2,500 feet.

Costs, first cut, 80 feet wide to 5 feet below low water, about 40,000 cubic yards	$16,000
Removal of timber and roots	4,000
Guiding parallels and protection for 8,000 feet	16,000
Future protection necessary	5,000
Structures to produce the filling of the slough and precautions for keeping a sufficient channel in river Styx during the washing out of the cut	8,000
Total	49,000

or, $50,000.

For the accompanying sketch of the neighboring part of the Apalachicola River I am obliged to George Whitesides, esq., captain of the Independent Steamer Line, who presented the same to me. It was made during the war by a confederate military engineer, whose name is not known to the captain. I found it to be very correct. The cut-off and river Styx I have located myself.

The snagging and removal of dangerous wrecks on the river from Columbus to Apalachicola could be covered by $5,000.

Further necessary additions to be made to each of the above estimates. Nothing but the channel excavated in the rock will be perfectly permanent; all the works on the shoals will, if not continually attended to, be damaged in some places, and the river, if left to itself, become worse again after several years. All those works will, therefore, require a continual watching, occasional repairing, and, in every case, a gradual increasing in height, as their action proceeds. The least at which we possibly can put the costs of this surveillance will be 30 per cent. of the original cost of erection.

For Estimate No. 1	$30,000
For Estimate No. 2	18,000

Further there will have to be added the purchase of two small steamtugs.

I think that if the appropriation should be made, especially if also an appropriation for the improvement of Apalachicola Bay is made, it would be the best way to have a special branch office established, either in Columbus or Apalachicola, for these works.

This office must have a steamboat at their disposition, and such must have the engineer immediately in charge of the upper working division. Nothing could be done without them.

As the works will last for several years, I think it would be cheaper to buy some steam-tugs than to hire them. After the completion of the works they could be sold or elsewhere used. They need not be large—not over 75 feet long—and should in no case draw anything over 2 feet. They ought to have exceedingly strong engines in proportion, as they

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must be fast, and also frequently will have to tow heavy barges, working machines, &c., from one place to another. Snag-beams ought to be put on both. It is likely that tugs of such description could be found on the Ohio River, and could be purchased second-handed, so that their purchase and adaptation to the purpose would not exceed $15,000 to $20,000 in all. Their running expenses would be about $8,000 a year each.

Thus, considering these additions, we will find that the total appropriations necessary will be—

Estimate No. 1	$464,000
Estimate No. 2	327,000

The amounts required for the completion of the surveys.

The completion of the survey of the Chattahoochee River will require another appropriation of $5,000.

Flint River, a survey of which I should very much recommend, would require $8,000.

Apalachicola River would, on account of the difficult local circumstances, especially from Ricoe's Bluff, Florida, down, and as the work would be frequently interrupted, require $10,000 to $12,000.

I also should recommend a survey of Tshoupola River, another tributary of the Apalachicola, at present navigated from Marianna, Florida, down, with bad rapids, ("Look and Tremble,") $5,000.

A small extra appropriation also might be made for scientific observations on these rivers, to which the engineers in charge of the different divisions easily could attend; also for the purchase of a number of self-recording gauges, as nobody can be found at the different landings along the river who is either willing or competent to keep a gauge continually and accurately, and the varying ranges cannot be established without uninterrupted gauge records. These gauges would require on the upper river a play of at least 20 feet, and their recording apparatus would have to be well protected against high freshets.

The close connection between the works in Apalachicola Bay and on the Chattahoochee River.

Before closing, I wish to remark that these projected improvements of the Chattahoochee River stand in the closest kind of reference to the work projected in Apalachicola Bay. One done without the other would be almost a failure.

A part of Apalachicola cannot subsist without its commercial feeder, the river; and an improvement of the latter would not be of much benefit without an outlet for the trade of the same at the mouth of it. Therefore, whatever the amount of appropriations made might be, both ought to be equally provided for.

The following maps and plots of this survey are completed:

1. General map of the river from Columbus to Eufaula. Scale, 1 mile equals 1 inch.

2. Map of the river, on a scale of 1,000 feet to 1 inch. (No copy forwarded.)

3. Special plans of the places needing improvement, with diagrams of the proposed works. Scale, 200 feet to 1 inch; thirteen sheets.

4. Sheet No. 14; 200 feet equals 1 inch. Results of the velocity and discharge observations, and average profiles of the river in different parts.

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5. Cross-sections for each line of located soundings in the bad places on profile paper. (No copy forwarded.)

Respectfully submitted.

C. F. TRILL,
Civil Engineers, Assistant Engineer.

Brevet Brigadier General J. H. SIMPSON,
Colonel of Engineers, United States Army.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 242.

OBSTRUCTIONS IN EAST CHESTER CREEK.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House, of March 25, 1872, relative to the cost of removing certain obstructions in the East Chester Creek.

APRIL 10, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 8, 1872.

The Secretary of War has the honor to transmit to the House of Representatives a report of an engineer officer of the cost of removing certain obstructions in the East Chester Creek, made in compliance with a resolution of the House of the 25th ultimo.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 6, 1872.

SIR: In compliance with the following resolution of the House of Representatives of March 25, 1872—

That the Secretary of War be requested to report to this House the cost of removing so much of the obstructions in the East Chester Creek as lie between the points marked on the map referred to in the Report of the Chief of Engineers, dated February 14, 1872, as tidal gauges Nos. 1 and 2, so far as to afford the same depth of water above station No. 1 as now prevails below it,

I beg leave to submit a copy of a report from Lieutenant Colonel John Newton, Corps of Engineers, to whom the subject was referred, dated April 3, 1872.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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NEW YORK, *April* 3, 1872.

GENERAL: In reply to a resolution of the House of Representatives of March 25, 1872—

On motion of Mr. Potter,

Resolved, That the Secretary of War be requested to report to this House the cost of removing so much of the obstructions in the East Chester Creek as lie between the points marked on the map referred to in the Report of the Chief of Engineers, dated February 14, 1872, as tidal-gauges Nos. 1 and 2, so far as to afford the same depth of water above station No. 1 as now prevails below it,

I have respectfully to state that, the removal of obstructions between Nos. 1 and 2 will not, in my opinion, without extending the work of improvement (as stated further on) beyond and above No. 1, exercise much influence above this point. To fulfill, however, the intention of the resolution, as understood by me, I would propose a narrow cut, commencing near Lockwood's, extending up the creek 4,000 feet, and terminating at a point about 1,500 above tide-gauge No. 1. The object of this cut is to get rid of the sharp curves at present existing in this locality.

At the upper end of the cut it will be necessary to locate and excavate a tidal basin, with the object of keeping the cut open by means of the currents of the ebb and flood.

The cut where it crosses the present channel must be diked, and the concave bank be revetted with rubble.

As it is necessary for the cut to cross the Boston post-road at a point different from the present crossing, where there is a bridge, it may be necessary to secure the right of way, as also to construct a draw-bridge over the new channel. Neither of these are estimated for. It may be considered proper that the persons benefited should take this part of the operations upon themselves. The draw will not be long, as the width of the cut is designed at 64 feet only.

Estimate.

Basin, purchase of site, 18 acres, at $150	$2,70
Excavation to level of mean low water, 200,000 cubic yards, at 40 cents	80,0
Excavation of cut, 60,000 cubic yards, at 40 cents	24,0
Diking and revetting banks of cut	12,0
Engineering and contingencies	17,3
Total	136,3

The excavation of the cut alone, with dikes and revetment and contingent expenses, would cost about $41,400; but this work, although would give immediate relief by affording a draught up to the village of Mount Vernon of 9 feet at mean high water, should not be undertaken without the intention further of constructing the tidal basin, and of completing the project herein recommended.

Very respectfully, general, your obedient servant,

JOHN NEWTON,
Lieutenant Colonel of Engineers.

General A. A. HUMPHREYS,
Chief of Engineers, Washington.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 243.

COOSA AND TENNESSEE RIVERS.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of March 11, 1872, *relative to the Coosa and Tennessee Rivers.*

APRIL 10, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 8, 1872.

The Secretary of War has the honor to respond to the resolution of the House of Representatives of the 11th ultimo, asking for the report of the survey of the Coosa River, in Alabama, of the improvement of the Tennessee River, and of the survey of the route of a canal to connect the Coosa and Tennessee Rivers, by transmitting to the House herewith copies of the reports upon these subjects, and to invite attention to the letter of the Chief of Engineers of the 6th instant, accompanying the same.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 6, 1872.

SIR: In compliance with the following resolution of the House of Representatives of March 11, 1872, "That the Secretary of War be, and he is hereby, requested to transmit to the House of Representatives, as soon as convenient, the report of the engineer having in charge, during the year 1871, the survey of the Coosa River, in the State of Alabama; also, the report of the engineer having in charge the improvement of the Tennessee River; also, the report of the engineer having in charge the survey of the route of a canal to connect the Coosa and Tennessee Rivers," I beg leave to transmit copies of the reports of Major Walter McFarland, of the Corps of Engineers, on the surveys of "the Coosa River, Alabama," "the resurvey of the Tennessee River from Brown's Ferry to Florence, Alabama," dated March 23, 1872, and of the preliminary report on "the survey beginning at or near Guntersville, on the Tennessee River, to the head-waters of the Warrior and Coosa Rivers, in

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Alabama, with the view of determining the practicability of uniting the waters of the Tennessee River with the waters of the Warrior and Coosa Rivers, for the purposes of navigation, and estimates for the necessary locks and dams to extend the navigation of said river to the last-named place," dated March 28, 1872. The final report on the latter survey will be transmitted at as early a day as practicable.

The resolution is herewith returned.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Painesville, Ohio, March 28, 1872.

GENERAL: In answer to your communication of the 14th instant, inclosing copy of a resolution of the House of Representatives, calling, among other things, for "The report of the engineer having in charge the survey of the route of a canal to connect the Coosa and Tennessee Rivers," I have to say that that examination has just been completed, and the assistant who conducted it is now engaged in making up the estimates. The report will probably be completed by the 10th of April.

In the meanwhile I am able to state that the results show that, following the instructions of the act of Congress, and beginning at or near Guntersville on the Tennessee River, the canal would have to be carried up the valley, either of Short Creek or of Town Creek, until a convenient point could be reached for crossing into the valley of Will's Creek, on the southern side of Sand or Raccoon Mountain, which rises to a height of between four and five hundred feet above low water in the Tennessee. The lockage in either case must be enormous.

The Short Creek route would be 30 miles shorter than the Town Creek route, and its summit level would be 144 feet lower than that of the Town Creek route; but the supply of water would be so much less by this route that it would probably be inexpedient to adopt it. The water supply in either case would be somewhat uncertain during several months of the year, but this difficulty we may be able to overcome by the construction of reservoirs in the ravines along the line of the canal. In either case, also, a certain amount of tunneling would become necessary, and the whole cost of construction must therefore be very great.

A canal 70 feet in width at the water-surface and 5 feet deep, with the water-way through the tunnel contracted to 46 feet, with a channel-way of 34 feet, and locks of the same breadth, it is estimated would cost about $9,300,000.

The detailed report will be made out as rapidly as possible, and forwarded.

Very respectfully, your obedient servant,

WALTER McFARLAND,
Major of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, Washington, D. C.

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UNITED STATES ENGINEER OFFICE,
Painesville, Ohio, March 23, 1872.

GENERAL: I have the honor to transmit herewith my report upon the examination and survey of the Coosa River, Alabama, so far as it has been extended at this date.

The instrumental survey begun in September, 1870, at Wetumpka, Alabama, by Mr. Henry C. Fillebrown, was closed in December of the same year at the bridge of the Selma, Rome and Dalton Railroad, 68½ miles above Wetumpka, by reason of high water.

The unfortunate drowning of this gentleman at the Devil's Race, Coosa River, August 11, 1871, by the swamping of the boat in which, in company with him, I was making an official examination of the result of his previous season's work, left me, just at the beginning of the working season, without the necessary assistance for completing the survey, and I was compelled, therefore, to defer it until I could procure the services of an engineer upon whose judgment I knew I might rely.

Mr. J. C. Long, civil engineer, who had been engaged in the survey of Muscle Shoals, was eventually assigned to the charge of the Coosa survey, but as he was engaged at the time in conducting the survey for a canal route from the Tennessee to the Coosa, he was directed to finish that before beginning upon the Coosa. His survey will probably be completed in time to enable me to incorporate the result in my annual report for 1872, and in the meanwhile the report upon the preliminary examination of this part of the Coosa, from the bridge to Greensport, Alabama, made by Mr. Fillebrown, under the instructions of Colonel J. H. Simpson, Corps of Engineers, and to be found in the annual report of the Chief of Engineers for 1871, enables me to report upon the probable cost of opening to navigation that entire portion of the river lying between Wetumpka, Alabama, and Greensport, Alabama, about one hundred and thirty-four miles in length.

Before, however, giving the results of his labors, I must bear testimony to the sterling energy and excellent judgment marking every official act of Mr. Fillebrown which has come under my observation. Possessing a rare degree of discretion and integrity, he ended a long record of faithful service to the Government by giving up his life while in the performance of his duty; and his memory deserves this official recognition of his services.

As Mr. Fillebrown's survey was begun at Wetumpka, Alabama, near the mouth of the Coosa, and was carried up the river, I shall describe the obstacles to navigation as they occur in the same order; premising that the general system of improvement to be suggested will consist in the formation of slack-water navigation over the rapids by the construction of dams and locks, with one or two short stretches of canal where needed, and the removal from the channel-ways of dangerous and inconvenient rocks.

From Wetumpka to the bridge of the Selma, Rome and Dalton Railroad the river is 68½ miles long, with a fall over the rapids, and requiring lockage of 260 feet.

The river is broken up into pools or eddies of navigable water, separated by reefs, shoals, and rapids sometimes of very great extent, absolutely impassable at low water, and dangerous in the best stages by reason of the crookedness of the channel-ways and the ragged rocks everywhere to be found along its borders and in mid-stream, reaching to the surface even where the water is forty or fifty feet deep.

The total length of navigable water to be found in this distance of 68½ miles is about 23 miles, broken up into stretches varying in length

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from six hundred yards to six miles, and varying in depth from six feet to sixty feet.

The intervening shoals vary from single reefs a few yards long, in the direction of the current, and extending from bank to bank, to long series of shoals from a thousand yards to twelve miles in length. These obstructions consist almost entirely of rock, very little gravel being found.

The average width of the river is from eight hundred to a thousand feet, though at "the narrows" below Weduska Shoals, 53 miles above Wetumpka, it contracts suddenly to a width of 390 feet, while just below and above that point it is 1,800 feet and 2,500 feet wide respectively, and while on Tuck-a-league Shoals, at a point a little below "The Butting Ram," it widens to 3,500 feet.

Up to Wetumpka the river is comparatively free from obstructions, and is navigable, whenever the Alabama is navigable, to Montgomery, between thirty and forty miles below.

OBSTRUCTIONS.

Wetumpka Rapids, extending from a little below the bridge connecting East and West Wetumpka to a point 1,400 yards above, with a fall of over 14 feet. This would have to be passed by a canal with two locks of about 7 feet lift each, and with a dam at the upper end.

Corn Creek Shoals, beginning 1½ miles above Wetumpka Shoals, near the mouth of Corn Creek. Length, 1,200 yards; fall, 6¾ feet. A dam and lock with the removal of some rock from the channel-way would here be required.

Reefs 1 mile above Corn Creek to be blasted out.

Rose's, or Grey's Islands Shoals, beginning 1,400 yards above Corn Creek Shoals, a little over 1 mile in extent. Two dams and locks required, and the removal of some rock.

Reef 2 miles above and 1,300 yards below the mouth of the Talkahatchee requires blasting.

Then after a mile of good water comes the longest series of shoals without navigable water to be found on the river, extending from station 462 to station 1,094, a distance of 12 miles, with a fall of over 42 feet. The obstacles encountered in this distance are as follows:

Reefs near foot of shoal to be blasted. Buyck's old landing, shoals to be overcome by dam and lock with some blasting.

Reefs. Staircase Fall between the mouths of Town Creek and Weloney Creek, three-quarters of a mile long, to be blasted.

Reefs 2 miles above the mouth of Weloney Creek. Dam, lock, and blasting.

Then comes good water until we reach a reef 1½ miles above the mouth of Pinchoulee Creek, with a fall of 10 feet in a mile, where a dam, lock, and blasting must be resorted to.

A small gravel-bar near the mouth of Chestnut Creek needs removal.

Fish-Trap Shoals, 2½ miles above the mouth of Pinchoulee Creek, has a fall of 6 feet in 1,800 feet. Here a dam and lock would be needed, and a quantity of rock blasted out.

Duncan's Riffle, beginning 5½ miles above the mouth of Pinchoulee Creek, is regarded by boatmen as the worst and most dangerous place between Staircase Fall below and Weduska Shoals above. Its length is 2,600 feet, in which it falls 8 feet. The danger results from the contraction of the low water channel-way to a width of 120 feet, through which the water rushes with great violence in a very irregular course, with

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jagged rocks lying in all directions. To overcome this obstacle a dam and lock would have to be constructed at great expense, and a large quantity of rock would have to be removed.

From this point to the foot of House's Island, just above Zimmerman's Ferry, a distance of 5½ miles, the river is deep, without obstructions, and from 800 to 1,000 feet in width. A slight gravel-bar opposite the ferry would require some dredging.

At the head of House's Island a dam and lock would be required, which would back the water up to the foot of Tuck-a-league Shoals. Some blasting would also need to be done in the channel-way from the head to the foot of House's Island.

Tuck-a-league Shoals begin about two miles above Zimmerman's Ferry, and extend to near the foot of Johnson's Island, a distance of 5¼ miles, with a fall of 39 feet.

To overcome the obstructions met with in this distance, four dams with locks would be required, one at the foot of the shoals, one about a mile higher up, one at the foot of Sauley's Island, and one abreast of Pate's Island, while Sauley's and Pate's Islands should be connected by a dike, and a wing-dam should be thrown across from the head of Pate's Island to the eastern bank of the river; upward of forty thousand cubic yards of rock would also have to be removed from the channel-ways and in the excavation for the locks.

A mile above the head of Tuck-a-league Shoals, at the mouth of Yellow Leaf Creek, is a ledge of rocks through which a channel would have to be blasted.

Beginning at the mouth of Yellow Leaf Creek, 8⅓ miles above Zimmerman's Ferry, and extending to the head of Weduska Shoals, 7½ miles above, with a fall of 55¾ feet, the river is one mass of shoals, rapids, reefs—filled with rocks, islands, grass, and willows growing in the water and varying in width from one thousand feet to eighteen hundred feet. In this distance, Paint Creek comes in from the east and the Waxahatchee from the west. It was between these two points, and between the head of the cleared island, 1½ miles below the mouth of Waxahatchee Creek and the west bank, that Mr. Fillebrown was drowned.

To render this portion of the river navigable, eight dams and locks would be needed. The first, just above the mouth of Yellow Leaf Creek; the second, a thousand yards below the mouth of Paint Creek; the third, 800 yards above that mouth; the fourth, about the middle of the large island above; the fifth, at its head; the sixth, at the Waxahatchee Shoals, near the mouth of the Waxahatchee; the seventh, about sixteen hundred yards above the mouth of the Waxahatchee; and the eighth, at the foot of Weduska Shoals, just above "the Narrows," where the river suddenly contracts to a width of 390 feet.

From this point to Peckerwood Shoals, nearly seven miles above, the river is very deep, (from forty to sixty feet,) free from obstructions, and from six hundred to one thousand feet broad.

At Peckerwood Shoal a dam and lock would have to be constructed, which would give good water up to Fort William Shoals, 2½ miles above, where another dam and lock would have to be constructed.

Then comes a stretch of deep water, over 5 miles in length, which carries us to the foot of Bullock's Shoals, 4 miles below the railroad bridge, where the last dam and lock for this portion of the river would be required.

I append hereto estimates of the cost of improving this part of the

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river as suggested in this report, which it will be perceived amounts to the sum of..... $1,923,020 00

Mr. Fillebrown's estimate for improving that portion of the river between the bridge and Greensport, Alabama, (see report of Chief of Engineers for 1871,) was.....	$278,484 50	
But the prices on which he based his estimate are certainly 50 per cent. too low, without taking into consideration the peculiar dangers to which this kind of work is subject; add 50 per cent.....	139,242 25	
		417,726 75
Total cost.....		2,340,746 75

for rendering the river navigable from Greensport, Alabama, to Wetumpka, Alabama, a distance of 134 miles, with a fall of 224.5 for vessels drawing 3 feet of water.

The dams and portions of the locks to be constructed of crib-work filled with stone and heavily planked over; lock-chambers to be 200 feet between miter-sills, and 40 feet wide; head and tail bays to be of masonry.

The dams have generally been taken at 10 feet height, where no great injury would result to the farming lands along the banks of the river from giving them such a height. Where such injury would result, a lesser height is to be given. Their positions are given approximately; actual survey may demonstrate that these may be altered with advantage.

The amount of blasting indicated, is, necessarily, but approximate, but it is believed to be sufficient.

DETAILED ESTIMATE.

Wetumpka Rapids:		
Masonry, 15,000 cubic yards, at $8.....	$120,000	
Rock excavation, 4,500 cubic yards, at $2.....	9,000	
Crib dam, 400 feet, at $20.....	8,000	
Two locks, (stone,) $40,000.....	80,000	
		$217,0
Corn Creek Shoals and reefs above:		
Dam, 750 feet long, at $20.....	15,000	
Lock.....	25,000	
Rock excavation, 5,200 cubic yards, at $2.....	10,400	
		50,4
Rose's, or Gray's Island Shoals, and reef above:		
Dam, 950 feet long, at $20.....	19,000	
Dam, 540 feet long, at $20.....	10,800	
Two locks.....	50,000	
Rock excavation, 10,000 cubic yards, at $2.....	20,000	
		99,8
Twelve miles of shoals and reefs:		
Dam, 800 feet long, at $20.....	16,000	
Lock.....	25,000	
Dam, 850 feet long, at $20.....	17,000	
Lock, (Staircase Fall).....	25,000	

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Dam, 1,800 feet long	$36,000	
Lock	25,000	
Canal, 600 feet long	10,000	
Rock excavation, 7,200 cubic yards, at $2	14,400	
Dam near Town Creek, 800 feet long, at $20	16,000	
Lock	25,000	
Dam near Weloney Creek, 900 feet long, at $20	18,000	
Lock	25,000	
Rock excavation, 8,000 cubic yards, at $2	16,000	
		$268,400
Reef, near Pinchoulee Creek:		
Dam, 1,000 feet long, at $20	20,000	
Lock	25,000	
Rock excavation, 1,500 cubic yards, at $2	3,000	
Gravel excavation, 3,500 cubic yards, at $1	3,500	
		51,500
Fish-Trap Shoal:		
Dam, 1,150 feet long, at $20	23,000	
Lock	25,000	
Rock excavation, 2,800 cubic yards, at $2	5,600	
Gravel excavation, 3,000 cubic yards, at $1	3,000	
		56,600
Duncan's Riffle:		
Dam, 820 feet long, at $20	16,400	
Lock	25,000	
Rock excavation, 6,900 cubic yards, at $2	13,800	
		55,200
Zimmerman's:		
Gravel bar, 700 cubic yards, at $1		700
House's Island:		
Dam, 1,050 feet long, at $20	21,000	
Lock	25,000	
Rock excavation, 2,200 cubic yards, at $2	4,400	
		50,400
Tuck-a-league Shoals:		
Dam, 730 feet long, at $20	14,600	
Lock	25,000	
Dam, 1,150 feet long, at $20	23,000	
Lock	25,000	
Dam, 800 feet long, at $20	16,000	
Lock, (Sauley's Island)	25,000	
Dam, 820 feet long, at $20	16,400	
Lock, (Pate's Island)	25,000	
Dike, 320 feet long, at $20	6,400	
Wing-dam, 520 feet long, at $20	10,400	
Rock excavation, 40,000 cubic yards, at $2	80,000	
		266,800
Yellow Leaf Creek:		
Rock excavation, 3,200 cubic yards, at $2		6,400
Shoals to head of Weduskà:		
Eight dams, 10,300 feet in length, at $20	206,000	
Eight locks, at $25,000	200,000	
Rock excavation, 20,000 cubic yards, at $2	40,000	
		446,000

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Peckerwood Shoals:		
Dam, 1,500 feet long, at $20	$30,000	
Lock	25,000	
Rock excavation, 1,000 cubic yards, at $2	2,000	
		$57,000
Fort William Shoals:		
Dam, 1,600 feet long, at $20	32,000	
Lock	25,000	
		57,000
Bullock's Shoals:		
Dam, 1,800 feet long, at $20	36,000	
Lock	25,000	
Rock excavation, 2,000 cubic yards, at $2	4,000	
		65,000
Total		1,748,200
Contingencies, 10 per cent		174,820
Total, including contingencies		1,923,020

for that portion of the river lying between Wetumpka, Alabama, and the bridge of the Selma, Rome and Dalton Railroad.

The prices above given are considerably below the contract prices for work on the Tennessee River, but could be very much more reduced by the employment of hired labor instead of the contract system. Abundance of good material, wood and stone, can be had in the vicinity of every point where improvements have been proposed.

The region passed through by this portion of the river is very rich in coal and iron, the production of which could not fail to be greatly encouraged by the prosecution of the improvements herein suggested.

Two maps of this portion of the river are transmitted herewith.

Very respectfully, your obedient servant,

WALTER McFARLAND,
Major of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, Washington, D. C.

UNITED STATES ENGINEER OFFICE,
Painesville, Ohio, March 23, 1872.

GENERAL: I have the honor to transmit herewith my report upon the resurvey of the Tennessee River from Brown's Ferry, Alabama, to Florence, Alabama, made under your instructions, and in compliance with the act of Congress approved February, 1871, relating to surveys.

That portion of the Tennessee River covered by this survey is commonly known as the Muscle Shoals, although three distinct series of shoals, separated by deep water, are included within its limits, viz:

Elk River Shoals, beginning 2½ miles below Brown's Ferry, and extending to the mouth of Elk River, 8½ miles, with a fall of 21 feet.

Big Muscle Shoals, beginning 6¼ miles below Elk River, and extending to Bainbridge (formerly known as Campbell's) Ferry, 14½ miles, with a fall of 82 feet. It is around this shoal that a canal was constructed in 1832–'37.

Little Muscle Shoals, beginning 1¼ miles below the foot of Big Muscle

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Shoals, and extending to Florence, Alabama, 5¼ miles, with a fall of 22 feet.

Between the foot of Elk River Shoals and the head of Big Muscle Shoals lies the deep water of Lamb's Ferry pool or eddy, 6¼ miles in length, with a fall of five feet and four-tenths, and a depth varying from eight feet to an unknown amount over twelve feet, and with one rocky bar about one mile and three-quarters below the mouth of Elk River.

At the foot of Big Muscle Shoals, and between that and the head of Little Muscle Shoals, lies the deep water of Bainbridge, or Campbell's, Ferry pool or eddy, 1¼ miles in length, with a fall of 2 feet, and a depth varying from eight to fifty-seven feet.

The whole distance and fall, then, from Brown's Ferry to Florence, is as follows, viz:

	Distance.	Fall.
	Miles.	*Feet.*
From Brown's Ferry to head of Elk River Shoals, (deep)	2.6	1.7
Elk River Shoals	8.6	21.1
Lamb's Ferry pool, (deep)	6.3	5.4
Big Muscle Shoals	14.4	82.1
Campbell's, or Bainbridge, Ferry pool, (deep)	1.25	1.9
Little Muscle Shoals	5.35	22.0
Total	38.5	134.2

The object of the survey was to ascertain what means could be found for passing these obstructions and uniting the two dissevered branches of the Tennessee, which, for 200 miles below and 200 miles above, is navigable for the largest class of western river steamers, while smaller steamers are able to pass 200 miles still further up the stream.

The work of the survey was begun accordingly by the construction at Chattanooga, Tennessee, of two flat-boats with the necessary skiffs, arranged, provisioned, and equipped for the accommodation of the necessary party during the entire season's operations; and on the 19th of June the expedition started on its journey of 200 miles down the river.

Five days floating, night and day, with the current, assisted partly by oars, brought us to Brown's Ferry, 12 miles below Decatur, Alabama, where the party was organized for work, and operations begun on the 27th, on which date I started on my return to Chattanooga.

The party, as organized, was as follows:

First Lieutenant James F. Gregory, Corps of Engineers, whom I assigned to the command of the expedition, and to whom I furnished detailed instructions for the conduct of the survey.

First Lieutenant Benjamin D. Greene, Corps of Engineers; four civil assistants, Messrs. Long, Adams, Palmer, and Le Hardy, and twenty-six men, including one master, one cook, one waiter, and two pilots, who were to act also as boatmen.

In the division of duties, three parties were formed: one under Mr. Long, with an assistant and seven men, to run the transit and level line along the northern shore; one under Mr. Adams, with an assistant and seven men, to run the transit and level line along the southern shore; a third, under Lieutenants Gregory and Greene, with two boats and eight men, to attend to the establishment of stations, the triangulation

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and hydrography; while Mr. Le Hardy, with a pocket-level, was assigned to the duty of sketching in the topography.

With this organization work was begun on the 27th of June, and continued with such interruptions only as were occasioned by excessive heat and continued sickness, until the 15th of September, when the field-work was brought to a close at Florence. The party was frequently reduced by sickness of officers, assistants, and men, to one-half its working-force, and we were never able to keep it up to the standard of its organization. From the 5th of August to the 15th of September, about 25 per cent. of the whole number were unavailable for work on account of bilious fever, and chills and fever; and assistant Adams was seriously sick, as were also several of the men.

Upon the closing of the field-work at Florence, the force was disbanded, the boats laid up, and Lieutenants Gregory and Greene, who were still suffering from malaria, were ordered to Painesville, Ohio, to complete the computations and plotting of their field-work, where also Mr. Le Hardy was afterward sent to join them as draughtsman.

During the progress of the survey, and as often as my other duties would permit, I made frequent visits to the party in order to familiarize myself as much as possible with the nature of the obstacles to be overcome and to watch the progress of the work. The topographical features of this region are so well described in the report of Mr. William B. Gaw, formerly assistant to Major Godfrey Weitzel, Corps of Engineers, as given in the report of the Chief of Engineers for 1868, that no repetition is here necessary. It is sufficient to state that the accuracy of this portion of his report is confirmed by the observations made during our own survey.

The results of the survey are best exhibited by the maps transmitted herewith, eight in number, each 36 inches wide, and 52 inches long. Seven of them, drawn to a scale of 600 feet to an inch, and the eighth, which is an index-map, being drawn to a scale of 4,000 feet to an inch. The topography of this work, which gives every 10-foot curve on both sides of the river, and the hydrography, cover a length of 27 feet, and an area 36.8 square feet.

The levels of the north and south sides were compared by means of trial lines run across the river at Elk River Shoals, Green's Bluff Bar, and the railroad bridge at Florence, where the difference was found to be but seven-tenths of a foot—a most gratifying result, when it is considered that both lines were run over very difficult ground, filled with swamps, sloughs, dense canebrakes and underbrush, and rugged and precipitous cliffs.

The work was carried on at a season particularly favorable for determining the character of the bottom, severe as it was in respect to health, comfort, and convenience; 6 and 8 inches depth was all that could be had in many places, and, at Poor-Horse Bar, but 3 inches was found—a fortunate rise in the river alone enabling the boats to pass over without resorting to the use of rollers.

The computations being finished, the draughting was begun in October by Mr. Le Hardy, and continued uninterruptedly, working seven hours a day, until its completion on the 20th of March. The handsome and accurate maps which he has produced are his best commendation.

The amount of work accomplished by Lieutenants Gregory and Greene during this season's operations will challenge comparison with the best efforts of the lake and coast surveys, and they are deserving of the heartiest commendation therefor.

Before entering upon a discussion of the cost of the various methods

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suggested of opening these shoals to navigation, I shall give a brief *résumé* of the history of previous efforts in the same direction.

As stated in the earlier pages of this report, the Tennessee is navigable from Florence, Alabama, to Paducah, Kentucky, at its mouth, 200 miles distant, by the largest class of western river steamers, (the obstacle at Colbert Shoals being nearly removed,) while the same may be said of that portion of the river lying between Muscle Shoals and Chattanooga, 200 miles in length. During the high-water season the river rises at Chattanooga 40 feet; at Brown's Ferry, 12 feet; on the Big Muscle Shoals, from 4 to 5 feet; and about twice as much on Little Muscle Shoals; at Florence, 20 feet; and at Waterloo, 28 miles below Florence, 30 feet. This rise enables large vessels to pass up to Knoxville, 200 miles above Chattanooga, and renders the Little Tennessee, the Holston, and the French Broad navigable for smaller steamers for some distance farther.

The Tennessee itself is a broad, deep, and beautiful stream, with more water than the Ohio, and with a permanent bed, its obstructions consisting almost exclusively of rock-reefs, with little or no sand or gravel, which prevents the formation of the shifting bars which obstruct the navigation of most of the western rivers.

Passing from Southwestern Virginia and Western North Carolina through the fertile valleys of Eastern Tennessee, Northern Alabama, and Western Tennessee and Kentucky, and by Northwestern Georgia and Northeastern Mississippi, it reaches a point near the center of the Mississippi Valley, within a few hundred miles of which are found the mouths of the Ohio, the Missiouri, and the Arkansas, and offering thus (but for the single obstacle of the Muscle Shoals) a cheap and easy, and the only internal line of water-communication between the Southeastern States and the immense region watered by the tributaries of the Mississippi, it is not wonderful that its value as a highway for commercial purposes should early have attracted the attention of our statesmen, who saw in its opening a means of developing enormously the population, wealth, and resources of one of the richest agricultural and mineral regions which the United States possess.

Accordingly, in 1828, the board of internal improvement was directed, by act of Congress, approved May 23, 1828, to make an examination of the Muscle Shoals, with a view to opening them to navigation, and to submit a plan and estimate therefor, which plan and estimate were submitted December 18, 1830, and were approved by the President in the March following.

The salient features of this project were the formation of three basins, by the construction of dams across the river, one below Brown's Ferry, one below Elk River Shoals, and one below Campbell's Ferry, and their connection with each other, and with the deep water at Florence, by a canal along the northern shore.

The construction of these basins was rendered necessary by the provision of the act of Congress that the scheme should provide for bringing the southern shore of the river into direct water-communication with the canal, which it was well understood would, if built, have to pass the shoals on their northern side.

To carry out the scheme of improvement presented by the board, which also related to the construction of certain works at Colbert's Shoals below Florence, Congress appropriated four hundred thousand acres of the public lands lying within the State of Alabama, which were to be sold and the proceeds applied to the construction of the works recommended by the board; and the execution of the work was confided

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to the State of Alabama, with the single condition that the work should be begun at the deep water near Florence, and carried up the river as far as the funds available would permit.

The funds accruing from this source, however, being manifestly inadequate to the completion of the work as designed by the board, the commissioners of the State of Alabama, who had the work in charge, deemed it best to apply them to the construction of that section of the proposed canal which was to connect the deep water at Lamb's Ferry with the deep water at Campbell's Ferry; and upon their application Congress removed the restriction which it had placed upon them in respect to beginning the work at Florence; gave them the authority asked for to enable them to construct this middle section of the canal first. And the board of internal improvement was ordered to re-examine the question in relation to this proposed change in its scheme, and to report a modified plan and estimate accordingly.

Their report bears date March 25, 1831, and in it they state that it is "a plan not presented or approved by this board." And they further add, in relation to it, "that it will overcome about fourteen miles and six eighths of the impediments of the river; but after passing these a boat cannot go farther for want of the improvements to pass over the impediments above and below." The work, however, was begun that year, 1831. In July, 1836, water was first let into the canal, which a few months later was thrown open to navigation—its lower terminus being in the eddy of Campbell's Ferry, (now Bainbridge Ferry,) and the upper terminus being about 3 miles below the Lamb's Ferry eddy, the funds not being sufficient to admit of the completion of the work to the eddy itself, where, however, it was eventually carried under a small additional appropriation.

The width of the canal, as finished, varied from 60 to 70 feet at the water-surface, with a depth of 6 feet, and lock-chambers 32 feet wide by 120 feet, between miter-sills, with an average lift of 5 feet.

The work, so far as done, was well done, and the canal was for a time extensively used; but the very objection to the scheme urged by the board of internal improvement in their modified report of March 25, 1831, found constant verification in the fact that boats which had passed through the canal were stopped commonly by the Elk River Shoals above or the Little Muscle Shoals below; so that often scores of vessels lay idly at one obstruction or the other waiting for a rise in the river to enable them to pass.

In a letter dated May 14, 1838, Mr. Thomas Williams, the chief engineer of the canal, says: "A great quantity of cotton has passed through the Muscle Shoals Canal, but for some weeks past the unusual lowness of the water has completely suspended navigation; not that there is any difficulty in passing through the canal itself, but the water on the shoals above and below it (Elk River and the Little Muscle Shoals) is so shallow as to prevent boats from getting into it. There were a few days ago about seventy large flat-boats, loaded with cotton, (all of which had passed through the canal,) lying at Campbell's Ferry, waiting for a rise in the river to carry them over the Little Muscle Shoals. Many more are detained by the shoals above the canal. The steamer Holston, of more than one hundred tons burden, and intended for the Upper Tennessee trade, passed up the canal some time ago, but I am told is detained by shoals above the canal."

These difficulties, together with the failure of all attempts to obtain further appropriations either from Congress or from the legislature of the State of Alabama to maintain and extend the canal—a failure due, no

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doubt, in a great measure, to the financial distress of 1837 and the years immediately succeeding—gradually caused its abandonment. The lock-gates rotted and fell to pieces, leaks occurred, the dams across the creeks became broken and disintegrated, quantities of sediment washed into the bed of the canal, and now, over forty years since the work was begun, tow-paths, banks, and bed alike of this great work, which cost the country nearly seven hundred thousand dollars, are overgrown with trees and heavy masses of shrubbery, while glimpses only of the fine masonry of its seventeen locks are to be caught here and there through the occasional openings of the dense growth which envelops them.

The results of my examination convince me that the scheme proposed by the board of internal improvement for the passage of this obstacle, and approved by the President in March, 1831, cannot be improved upon; and the work now remaining to be done, in order to carry it out, is to put the old canal around the Big Muscle Shoals in good condition, and to construct the canals around Elk River Shoals and Little Muscle Shoals, together with the basins proposed for connecting them with the south shore. The dams to be used in the formation of these basins should, of course, as originally proposed, be arranged with chutes for the passage of rafts.

The commerce of the western waters has changed so much in character since this work was begun, that the question of giving to the canal an increased capacity, suited to the size of the steamers and barges now employed, requires consideration. I shall, therefore, in my estimates, give the cost of completing the work as it was begun, *i. e.*, with the canal trunk from 60 to 70 feet wide at the water-surface, 6 feet depth of water, and with the lock-chambers 32 feet wide by 120 feet long between miter sills.

Also the additional cost of lengthening the lock-chambers to 200 feet, the other dimensions of the canal remaining the same. Also the cost of widening the canal to 100 feet at the water-surface with the same depth, and lock-chambers 60 feet wide by 300 feet in length between miter sills.

As a part of the old canal over 4 miles in length, built in the bed of the Tennessee at the foot of Rocky Bluffs, has a width of but 60 feet, this determines the limit of the width which can be given to the locks, unless a very heavy additional expense for widening this part is incurred, which I have thought it unnecessary to consider.

With this exception, the remainder of the canal is constructed through alluvial bottoms, and, by the use of the dams across the Tennessee before alluded to, the rock bottom upon which the masonry of nearly all the locks rests need not be excavated in the construction of the trunk of the canal.

The saving of expense resulting from this mode of construction will explain the great difference which exists between my estimates and those given in the report of Mr. William B. Gaw, before alluded to.

I have also the estimated cost of the canal, upon the supposition that the new locks be constructed of the larger dimensions, while the old ones be left of their present size until the demands of commerce require their enlargement; but as the cost of this method of construction would be about the same as the cost of making all the locks 32 feet long by 200 feet between miter-sills, while it would defer to a distant day the advantages which would be immediately conferred by the execution of the latter method of construction, it does not impress one favorably.

The number of new locks required to carry the canal around Elk River Shoals would be five, two guard, or regulating, locks and three

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lift-locks; at Big Muscle Shoals, one guard-lock; at Little Muscle Shoals, two guard-locks and three lift-locks; total, eleven.

To reduce the number by increasing the lift would increase the expense by rendering necessary heavy embankments, or large amounts of rock excavation.

The estimates are, of course, greatly in excess of those made forty years ago, when the work would have cost but one-half or one-third of what it would now cost, and are as follows:

To complete the canal of the dimensions of the part already constructed between Lamb's and Campbell's Ferries, *i. e.*, 60 to 70 feet wide at water-surface, 6 feet deep, lock-chambers, 32 by 120 feet between miter-sills.

Elk River Shoals.

9 miles of canal trunk, at $40,000 per mile	$360,000	
3 locks, 8½ feet lift, at $50,000 each	150,000	
2 guard-locks, at $40,000 each	80,000	
2 crib-dams across the Tennessee, at $75,000 each	150,000	
		$740,000

Big Muscle Shoals.

1 guard-lock	40,000	
Repair of 17 locks, at $10,000 each	170,000	
Repair of 15 miles of canal-trunk, at $25,000 per mile	375,000	
Dams and culverts	50,000	
		630,000

Little Muscle Shoals.

6½ miles of canal-trunk, at $40,000 per mile	260,000	
3 locks, 7½ feet lift, at $50,000 each	150,000	
2 guard-locks, at $40,000 each	80,000	
1 crib-dam across the Tennessee	75,000	
		565,000
		1,935,000
Contingencies, to provide against leakage, accidents, construction of coffer-dams, pumping, &c., 10 per cent		193,500
Aggregate cost		2,128,500
If, with the other dimensions of the canal remaining the same, the length of the lock-chambers between miter-sills be increased to 200 feet, the increased cost will be 28 locks, at $16,000 each		448,000
Total		2,576,500
If, at the same time, the locks be all widened to 40 feet, making the lock-chambers 40 by 200 feet, the increased expense will be as follows: 28 locks, averaging $5,000 each		140,000
Total		2,716,500

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If the trunk of the canal be made 100 feet wide at the surface, 6 feet deep, and with lock-chambers 60 feet wide by 300 feet between miter-sills, the cost will be as follows:

Elk River Shoals.

9 miles of canal-trunk, at $55,000 per mile	$495,000	
3 locks, 8½ feet lift, at $110,000 each	330,000	
2 guard-locks, at $70,000 each	140,000	
2 crib-dams across the Tennessee, at $75,000 each	150,000	
		$1,115,000

Big Muscle Shoal.

1 guard-lock	70,000	
Rebuilding seventeen locks, at $50,000 each	850,000	
Widening 15 miles of canal-trunk, at $33,000 per mile	495,000	
Dams and culverts	50,000	
		1,465,000

Little Muscle Shoals.

6½ miles of canal-trunk, at $55,000 per mile	357,500	
3 locks, 7½ feet lift, at $110,000 each	330,000	
2 guard locks, at $70,000 each	140,000	
1 crib-dam across the Tennessee	75,000	
		902,500
Total		3,482,500
Contingencies, as before		193,500
Aggregate		3,676,000

The increased cost of making the new locks of the larger dimensions, while the remainder were left of their original size, would be—

6 lift-locks, at $60,000	$360,000
5 guard-locks, at $30,000	150,000
Total	510,000

which is but $63,000 more than the estimated cost of making all the lock-chambers 32 by 200 feet.

The foregoing estimates are based upon the supposition that the excavation and embankment would be equalized in practice, and that not more than one-quarter of the entire excavation would be in rock; and it is believed that they are liberal. It is quite probable that, in actual construction, a careful study of the ground would result in a considerable reduction below these estimates.

Very respectfully, your obedient servant,

WALTER McFARLAND,
Major of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, Washington, D. C.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 244.

FISHING-GROUNDS OF NORTH PACIFIC OCEAN.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the House of the 14th of January last relative to a report made by Colonel Cutts.

APRIL 10, 1872.—Referred to the Committee on Commerce and ordered to be printed.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 14th of January last, I transmit herewith a report of the Secretary of State.

U. S. GRANT.

WASHINGTON, *April* 4, 1872.

DEPARTMENT OF STATE,
Washington, April 4, 1872.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 14th of January last, requesting that, if not inconsistent with public interests, a copy of the report of Colonel Cutts, made February, 1870, may be furnished for the use of the House of Representatives, has the honor to state that no report of Colonel Cutts is known to this Department as having been made in February, 1870. It is presumed that the report which the House of Representatives had in view is that made by Colonel Cutts, bearing date the 7th of January, 1869, concerning the commerce in the products of the sea, which was communicated to the Senate with the President's message of February 17, 1869, and which has been printed by order of the Senate in Executive Document No. 34 of the present session, a copy of which is herewith presented.

Respectfully submitted.

HAMILTON FISH.

The PRESIDENT.

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BEAVER LAKE, INDIANA.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

IN ANSWER TO

A resolution of the House of April 2, 1872, relative to Beaver Lake, in the county of Newton, State of Indiana.

APRIL 10, 1872.—Referred to the Committee on Commerce and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 9, 1872.

SIR: In compliance with House resolution of the 2d instant, I have the honor to transmit a copy of the report of the Acting Commissioner of the General Land-Office, with the papers and maps therein named, relative to Beaver Lake, in the county of Newton, State of Indiana.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. J. G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND-OFFICE,
Washington, D. C., April 8, 1872.

SIR: In reply to a House resolution of the 2d instant, directing the Secretary of the Interior to furnish certain information relating to Beaver Lake, Indiana, and referred here by you on the 5th instant, I have the honor to transmit the following, viz:

Written statement of J. M. Commons; written statement of A. B. Condit; six letters filed by Parker Dresser, esq., from settlers on and around the bed of Beaver Lake; copies of two maps of the Beaver Lake lands, filed by Parker Dresser, esq., and one filed by Hendricks, Hord & Hendricks; copy of letter of register and receiver at Indianapolis, dated January 21, 1872.

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Three affidavits filed by R. H. Milroy, April 3, 1872; six letters filed by Isaac Myer, Chicago, Illinois, July 20, 1871.

I have the honor to be, very respectfully, your obedient servant,

W. W. CURTIS,
Acting Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

STATE OF INDIANA, EXECUTIVE DEPARTMENT,
Indianapolis, October 24, 1871.

DEAR SIR: When in Chicago, a few days ago, at the request of Isaac Myer, esq., an old personal friend, whom I have known for twenty years or more, I made a visit to Beaver Lake, Newton County, Indiana, and while there had an opportunity of observing the character, quality, and condition of the land embraced in what is known as Beaver Lake, and also of conversing with, or hearing the conversations of, those who have pre-empted claims upon said Beaver Lake lands.

As to the persons themselves—about thirty in number—whom I saw, I am glad to say they were of a good class of people; intelligent, and apparently a well-to-do, thrifty class, and from first to last expressed a decided anxiety to have the lands surveyed, and to go at once upon them and improve and cultivate them as homesteads for themselves and families.

Those whom I saw, as well as those of whom I heard anything said, seemed to all, or nearly all, be residents *on* or about Beaver Lake, and interested personally in the success of every material interest of the country; and a large proportion of them were *soldiers* in the late *Union Army*, and consequently feel more deeply interested on that account.

From the lips of every one with whom I had any conversation, or of whom I heard anything said, there was but one opinion, and I could come to but one conclusion, and that was that they were all anxious to have the lands for their own personal use; and not one of them seemed to be under the control of, or influenced by, any one else in anywise.

I drove over nearly the whole of the lake with a pair of horses and carriage, and I give it as my unhesitating opinion that there is not a particle of difficulty in the way of making a survey of the entire lake, if the honorable Commissioner should see proper to order it; and an *immediate survey* would, in my judgment, work incalculable public good, as it would quiet the public mind, in so far, at least, as the Beaver Lake portion is concerned, and would prevent any confusion or chance of collision among the parties thereabouts and their friends.

The lands are, as a general thing, of a very fine quality, and susceptible of the highest cultivation.

I understand the parties claiming these lands—in fact, heard one of them so state—that if the survey is made, or ordered, rather, they will make no further resistance to the pre-emptors coming upon the lands and asserting their claims; so that you can readily perceive that the want of the survey is now the only disturbing element.

Among the pre-emptors whom I saw was a Mrs. Whitcomb, whose husband was a member of the One hundred and thirty-sixth Illinois Regiment, and who died in the service. She puts her claim upon the plain, square ground that she is entitled under the acts of Congress to 160 acres of land; and if the Beaver Lake lands are Government lands, she wants hers there, and is ready at a moment's notice, and has the ability, to go upon the land and improve it as the law requires. And, indeed, I may say that every one of the pre-emptors whom I saw, or of whom I heard, seemed to be able to make their improvements at once, and were only waiting the opportunity to do so.

Very respectfully,

JOHN M. COMMONS.

PARKER DRESSER, Esq.,
Chicago, Illinois.

BEAVER LAKE, *August* 9, 1871.

Myers Condett and others take notice that I forbid you entering the inclosure known as Milk's and Dean's Beaver Lake lands until our ownership is at an end. If you persist in doing so, I shall treat you as though you were entering my door-yard against my orders.

ALGY DEAN.

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INDIANAPOLIS, *July* 28, 1869.

DEAR SIR: I have known Mr. A. B. Condit for about sixteen years, and have had some knowledge of his engineering on the canal, railroads, and plank-roads during most of that period. He also made the original survey and estimate of the Indiana and Illinois Central Railroad, with which I was then connected.

His survey and estimate, I am satisfied, were excellent. He is exceedingly energetic and faithful in whatever he undertakes. I have no hesitation in recommending him as an efficient, reliable, and competent engineer.

Very respectfully, yours,

A. L. ROACHE.

ADAM EARLE, Esq.

INDIANAPOLIS, *July* 28, 1869.

DEAR SIR: I have been acquainted with Mr. A. B. Condit about fifteen years, and about that time I was acting mayor of the city, and Mr. Condit was city engineer at that time, and performed the duties in a satisfactory manner, and can recommend him as a competent and efficient engineer.

Respectfully yours,

JAMES McCREAREY.

ADAM EARLE, Esq.

GREENCASTLE, INDIANA, *July* 27, 1869.

GENTLEMAN: I take pleasure in recommending A. B. Condit to your favorable consideration. He, as I understand, wishes to become your chief engineer.

I know him well as an engineer. I had him under me when I was president and superintendent of the Evansville and Crawfordsville Road from Terre Haute to Crawfordsville; also when I was president of the Frankfort and Fort Wayne Road. He is a practical man; goes at his work with great energy; knows what to do, and does it. If I was engaged in building a railroad, I would rather employ him to push the work than any other engineer I ever had in my service—and I have had many in my employ. I served four and a half years on the canal and about the same time on railroad, and I found him the most thorough-going, energetic of them all.

Respectfully,

A. M. PUETT.

THE PRESIDENT AND BOARD OF DIRECTORS
Of the La Fayette, Muncie, and Bloomington Railroad Company.

INDIANAPOLIS, INDIANA, *August* 5, 1869.

DEAR SIR: I desire to say that I have known Amzi B. Condit, esq., for some years as civil engineer. He was the chief engineer of Fort Wayne and Crawfordsville Railroad Company while I was connected with it as secretary and vice-president, and filled his position with ability, and to the entire satisfaction of the board and officers. I also knew him during the war, while he held the position of chief engineer, Nashville and Chattanooga Railroad, in military capacity. I believe his services have always given full satisfaction to his employers.

Yours, truly,

JOHN W. BLAKE.

ADAM EARL, Esq.,
President La Fayette, Muncie, and Bloomington Railroad.

KANSAS PACIFIC RAILWAY OFFICE,
Lawrence, Kansas, August 2, 1869.

THE PRESIDENT AND DIRECTORS
La Fayette, Muncie, and Bloomington Railroad Company:

Mr. A. B. Condit was employed by me, while general superintendent of Government railroads, military division of the Mississippi, in 1864, as a civil engineer on the Nash-

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ville and Chattanooga line, and he discharged his duties in an efficient and satisfactory manner.

Very respectfully,

A. ANDERSON,
General Superintendent.

I hereby certify the foregoing to be true and accurate copies of the letters original this day placed in my hands to be copied.

M. ELDRED LUDINGTON.

CHICAGO, *August* 5, 1871.

In order to satisfy myself as to the capability of A. B. Condit, as a civil engineer, I have taken the liberty of asking him personally in regard to his experience, and have the following from him:

1. He states that he was educated at Oberlin, Ohio. First engineering was on the Ohio Railroad, under John Sargent, in 1836.
2. Was two years assistant engineer on the La Fayette and Indianapolis Railroad. Hon. A. S. White, former United States Senator, was president, about 1849 and 1850.
3. Was chief engineer of the Indiana and Illinois Central Railroad for one year; Governor Wright, president of the railroad.
4. Chief engineer of Crawfordville, Frankfort and Fort Wayne Railroad for two years; A. M. Puett, president; also at same time had charge of the survey of the Terre Haute and Vincennes Railroad, and Terre Haute and Covington Railroad.
5. Was State engineer of Northern Indiana, under Governor Wright.
6. City engineer of Indianapolis; elected by the people.
7. Chief engineer of Kankakee and Iroquois Slack-water Navigation Company.
8. Chief engineer of the Nashville and Chattanooga Military Railroad, for the Government.
9. Chief engineer of the Indiana North and South Railroad; Winslow S. Pierce, president, *and brother-in-law of Hon. Thomas A. Hendricks.*

PARKER DRESSER.

AUGUST 28, 1871.

Electa Ann Derphy, wife of William Derphy, deceased, of Newton County, Indiana, in the township of McClelland, has bargained and leased to the said Hiram Goodwin, on section eight, southeast of southeast, west half southeast, east half southwest, the said above described premises, for which Hiram Goodwin agrees to pay $5 a month; and he agrees to pay this in advance every three months, and he agrees to keep the premises in good repair around the house and orchard, and he agrees that there shall be no green timber cut on the premises without consent from Electa A. Derphy.

KANKAKEE CITY, *September* 17, 1871.

Some time in the month of February, 1869, I went to Beaver Lake to find me a place to live and keep my stock, and went to the county-seat of Newton County to find some trace of some land, and found that I could squat on most any place where I could get a chance or where there was no one on. I came to Beaver Lake, and looked around and found a vacant house, about one mile from Bogus Island, and found that it had been left, and was in danger of being burned by the prairie fires. I inquired who owned it, and went and hired it, and paid $15, and went and packed up my things and started to move to it, and when some ten miles on my road I met some men from Beaver Lake, and they told me that Dean and Berlin had moved one of their gang into the house. I was out of doors with all my things, teams and family, that I had with me. I had to go and find some place, and sell my stock at a reduced rate, for I was out of doors, and lost my money that I had paid, and my expenses. I did not know at the time that they drove people off of that land, but thought that I had a right to settle on it. I think that they injured me more than $300. I understand that they have taken this land, and have held it ever since, and what has become of the women that I do not know.

Mr. Parker Dresser, I wish you to lay this before the commission, and see if I have any rights to that land.

Yours, respectfully,

HIRAM GOODWIN.

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COLFAX TOWNSHIP, NEWTON COUNTY, INDIANA,
September 18, 1871.

DEAR SIR: I wish you to represent my interests in securing my claim, and urge the survey for the southeast fractional quarter of section thirty-three, township thirty-one north, range nine west. I have a wife and four children; I settled on this land on the 29th day of November, 1870, and have lived there, and raised a crop this season, and and was driven off from the claim by Algy Dean, on the 11th of September, nine days ago. He threatened to put my family out by force, if I did not leave, and sent his hired men, and took out the driven-tube pump, and left me without water, except such as I could get out of a ditch not fit to use. My wife and two of my children were down sick at the time, and I was forced to leave, to get water and be in peace, and not annoyed by threats of violence.

Yours, truly,

JOSEPH S. HARTLEY.

Mr. PARKER DRESSER,
Attorney for Pre-emption Claimants, Beaver Lake.

P. S.—Dean also turned his cattle and stock on my garden, and destroyed two acres of garden vegetables.

OFFICE OF TOWNSHIP TRUSTEE,
MCCLELLAND TOWNSHIP, NEWTON COUNTY, INDIANA,
September 18, 1871.

DEAR SIR: Learning that you are attorney for pre-emption claimants of the Beaver Lake lands in this township, I request you to act as attorney for McClelland Township, to act as their attorney, to present the claims of the township to the sixteenth or school section of township thirty north, range nine west, and secure said section to the township, and urge a speedy survey of said lands.

DAVID S. LARKINS,
Township Trustee.

Mr. PARKER DRESSER.

C. E. FOSS, REAL ESTATE AND LOAN BROKER,
No. 149 *Lasalle Street, Chicago, September* 25, 1871.

DEAR SIR: Having but a few hours to examine the printed argument of Hendricks in opposition to the survey of the "Beaver Lake land" that you handed me, I am only able to make a hasty examination and correct some statements as to *facts* in the case.

Page 2. The first application by Myer & Otis was made under act May 30, 1862, but an amended application was filed shortly afterward under act of 1870, immediately after the instructions were received from the land office at Indianapolis. This was signed by thirteen, several of whom I knew to be actual settlers at the time, and are now. Duane Hall, Hathaway, and Wardell are three I know myself. I do not now recollect the others, as I have not the list of names.

Page 3. In regard to surveying United States lands in Indiana, such as islands, fractions on rivers and dried up lakes, it is the practice to survey and sell from time to time when asked for. About two years ago a small lake of about 90 acres, in Posey County, Indiana, was surveyed and brought into market and sold at the local land office in Indianapolis at $1 25 per acre. I was present when the sale was made. In Indiana the Commissioner of the General Land Office is *ex officio* surveyor general, and application is made to him. There is no legislation required to *renew* the surveys in Indiana, (as he speaks of.) The law and power to make surveys of United States lands in Indiana are now in full force. It would be illegal for the Commissioner to refuse a survey if the application is properly and legally prepared.

On page 4 he states that, "The State of Indiana and individuals have by an expenditure of money drained said lands and the value thereof is given to it by such expenditure." I state that the State of Indiana, to my certain knowledge, never expended a dollar to drain Beaver Lake. The State owned about 30,000 acres of swamp land around the lake that was flooded by the lake, and the money from sale of these lands was expended to drain these lands and *not the lake*. The lake became dry *incidentally* by this ditch being made, for no power could stop the water of the lake from running out with such a fall and such a soil. A few local ditches have been made in the bed of the lake since the drainage, but the costs do not amount to one-tenth of the profits made out of the land by Milk and Dean. Other individuals living in the bed of the lake have made local drains, who have lived there for years, will continue to drain the lands and are claiming the lands as pre-emptors, having once bought the lands on a

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bogus title, are willing and anxious to buy them again, and have petitioned and pray for a speedy survey that their titles may be perfected. Milk and Dean do not live in the lake as these *actual settlers* do, but one is a non-resident of the State of Indiana and the other lives outside of the margin of the lake. Milk owns a farm of 12,000 acres in Kankakee and Iroquois Counties, Illinois, and cannot be a pre-emptor by law. Will the Government withhold the survey for the benefit of this grand speculator to the injury of the actual settlers who have improved and ditched the lands and are now living on the lands, and ask the Government to survey and perfect to them a title to 160 acres each under act of pre-emption?

Page 8: The case of Bright *vs.* Blake settled no *title*, as the *title* is in the United States, and always has been, (see Commissioner's Report, 1868, 121 to 131;) but it settled the superiority of Bright's *assumed* "riparian" againt Blake's "right of discovery" title. This case is well known to have been planned and concocted on purpose to get a title *spread upon the record*, to fool greenhorns out of their money; and it did most effectually not only fool some very sharp men, but a whole *Indiana legislature*, who took the title from Bright, and gave a "consideration" of $40,000.

Judge Pettit says: "The fractional lots were all granted by the Government to State of Indiana," &c. This is not the fact; part were State, and part Congress lands. I know this to be so, for myself and John P. Dunn, then auditor of state, made the entire purchase of all the fractions on the entire line of the lake, nineteen miles, and I know I went to Winnemac to enter some of them at the land-office. We afterward sold to Bright.

He says the bed of the lake is about 25 feet above the Kankakee River. My survey and all other engineers make it 42 feet; for proof of this I refer to record of sale in your office.

HISTORY OF THE DITCH.

I made a survey and estimate of the ditch, $13,000. The contract was let to Austin M. Puett, brother-in-law to Governor Wright; he hired some Irish; removed the sod from the surface for a mile or so, and cut a narrow channel through the raised ridge, at a cost of about $1,000, so as to start the water through. It soon made a channel, and the water rushed out with great force and noise, tearing out huge trees by the roots. The republicans charged the governor and Puett with swindling the State; the governor appointed an engineer, Mr. Morrison, a republican, to go and estimate the work. He did so, and reported that Puett had excavated at least ten times the amount of earth required—which was a fact. The ditch is now 100 feet wide, 18 feet deep in places. This Morrison was since my successor as city engineer of Indianapolis. A. M. Puett is now living at Greencastle, Indiana, and will testify to the above facts.

On the application, as argued on page 7, if the Commissioner decides the application of Myer & Otis informal, as being under act of 1862, or the amended application under act of 1870, not in accordance with law, then as soon as you report these facts, the actual settlers will immediately forward a proper application, to "provide for the interests of the advancing settlement, so that each pioneer may know the bounds of his new home."

In the case of Bright *vs.* Blake: If Blake had moved on to Bogus Island in good faith, made actual settlement, and made application in due form for a survey, it would have been granted, and he would have got the island; but that was not the *intention;* it suited the interests of Bright better to have a case and a defendant that he was sure to beat. Blake was not an actual settler; he was of the firm of Blake & Daggy, pork-packers, Greencastle, Indiana, and would not take his family from a luxurious home to sette on Bogus Island, supposing he had gained the suit, and got a patent from the United States, and bought the balance of the lake on riparian. Would his title be good now, as against the rights of the township to 16th section for schools? Your clients, the voters of the township, set up a claim for 16th section for schools, and ask you to urge a survey of the lake, to give them their lands. The Commissioner can hardly refuse the request.

In haste,

AMIZI B. CONDIT.

UNITED STATES LAND-OFFICE,
Indianapolis, January 21, 1870.

SIR: We are credibly informed that what is known as "Beaver Lake," in township 30 north, range 9 west, containg some 15,000 acres, has become almost entirely dry and cultivable, and that hundreds of acres were in cultivation the past season.

The lands adjacent to the lake were, and perhaps are now, owned by a few parties, who, claiming a riparian right to the lake itself, profess to have surveyed it, by a constructive extension of the United States survey lines, and have platted it, and disposed of portions of the same. These same parties were once sureties on a bond of the

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State's officers, and were sued, we believe, by the State upon such bond, and in consideration of a release conveyed to the State alternate tracts in this lake. But perhaps you are cognizant of these facts. Judging from that portion of your report for 1868 devoted to riparian rights, that the United States Government has a claim, unless it has been conceded to the parties in interest here, and believing that if brought into market it would find ready purchasers, we take the liberty of calling your attention to the foregoing.

Very respectfully, your obedient servants,

G. M. BALLARD, *Receiver*,
E. BROWNING, *Register*.

Hon. JOSEPH S. WILSON,
Commissioner General Land Office, Washington, D. C.

STATE OF INDIANA, *Newton County, ss:*

Joseph Blessing, being duly sworn, deposes and says that he is now and has been acquainted with the lands embraced in the bed of and around the margin of Beaver Lake, in the northwestern part of Newton County, State of Indiana, for sixteen years last past, and that his knowledge of said county is derived from the following facts:

1. He has bought, sold, and herded cattle on and around the margin of said lake, more or less, ever since 1865.

2. I have made my home near there for the last eighteen months.

3. I have been deputy sheriff of said Newton County for the last three and a half years, and am now the deputy sheriff of said county, and as such deputy I have had frequent occasion to visit said lake, and I am well acquainted with all the actual settlers around and in the bed of said lake, and to my certain knowledge there is not to exceed nine miles of fencing in or on the bed of said lake, the same being only three rails, and built at not to exceed a cost of forty cents per rod; that there are not to exceed five dwelling-houses erected in or on the bed of said lake, as follows, to wit: ——— Bardwell, Isaac Wardell, Rufus Safford, William McNutt, and Isaac Hoak, and that the only good houses in said lake-bed is the one in which William McNutt now resides, and that is alleged to have cost sixteen hundred dollars, and the house on the Bardwell land, which cost from one hundred and fifty to two hundred dollars, the others only being log cabins, costing not to exceed one hundred dollars each; and that with the exception of eight or ten bearing apple-trees, on the Bardwell place, there are not five bearing apple or fruit-trees of any kind growing in the bed of said lake.

Witness my hand and seal this 13th day of March, 1872.

[SEAL.] JOSEPH BLESSING.

Subscribed and sworn to before me this 13th day of March, 1872.

[SEAL.] ANDREW HALL,
Clerk Newton County Circuit Court.

STATE OF INDIANA,
Newton County, ss:

We, Duane Hall and Madison Collins, being duly sworn, depose and say, that they reside in Newton County, Indiana, on the line of Beaver Lake, and are farming and cultivating a portion of the bed of said lake; that they have lived there for the last five years past; that they have heard the foregoing affidavit of Joseph Blessing read over, and saw him sign and swear to the same, and fully indorse the same, and ask that the whole of same that refers to the number of miles of fence in the bed of said lake, the dwellings, and improvements, be incorporated in this, his affidavit.

Witness our hands and seals this 13th day of March, 1872.

MADISON COLLINS.
DUANE HALL.

Witness my hand and seal this 13th day of March, 1872.

[SEAL.] ANDREW HALL,
Clerk Newton County Circuit Court.

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List of lands in the Beaver-Lake bed, in Newton County, Indiana, on which are improvements, together with the names of the owners thereof, value of lands, and value of improvements on each tract, as returned to this office for purposes of taxation, to wit:

		Section.	Township.	Range.	Acres.	Value of land.	Val. of improvements.
IN LAKE TOWNSHIP.							
Milk & Dean	West half of southeast	33	31	9	80	$160 00	$1,030 00
	Part of east half of northeast	33	31	9	35	70 00	230 00
Duane Hall	Northwest of southwest	34	31	9	40	80 00	30 00
	Northwest of northwest	34	31	9	40	80 00	60 00
	Southwest of northeast	34	31	9	40	80 00	200 00
Maria Kite	West half of southeast	35	31	9	80	160 00	220 00
P. Maloney	Northwest of southwest	35	31	9	40	80 00	25 00
IN M'CLELLAND TOWNSHIP.							
Milk & Dean	Part of northwest of southeast	8	30	9	30	60 00	150 00
	Lot 246	16	30	9	40	40 00	1,000 00
Sarah Beckwith	West half of northwest	24	30	9	80	135 00	120 00
John Ekey	Southwest of southeast	22	30	9	40	75 00	100 00
	Southeast of southwest	22	30	9	40	70 00	100 00
	West half of southwest	23	30	9	80	250 00	150 00
Sam. Nichols	Northwest of northwest	1	30	9	40	85 00	250 00
IN COLFAX TOWNSHIP.							
M. Dunks	Lot 228	18	30	8	40	80 00	50 00

STATE OF INDIANA, *Newton County, ss:*

I, John S. Veatch, auditor within and for said county and State, hereby certify the within and foregoing to be a full, true, and complete list of the lands in Beaver-Lake bed, on which are improvements, as returned to this office for taxation for the year A. D. 1871, so far as I have been able to ascertain from careful investigation of the books and papers on file in my office. I further certify that some of the lands as within described lay near the margin or rim of Beaver Lake and extend over the bluff.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office at Kentland, Indiana, March 15, 1872.

[SEAL.]

JOHN S. VEATCH,
Auditor Newton County.

Lands sold by the State to the following parties, with dates and prices.

Lemuel Milk, October 28, 1869, at $1 per acre—Lots No. 29, 41, 67, 83, 113, 85, 111, 87, 109, 135, 159, 187, 213, 131, 133, 217, 215, 239, 273, 240, 271, 299, 333, 301, 331, 243, 303, 329 327, 325, 363, 381, 365, 339, 359, 385, 361, 383.

Blank, 163, 127.

Henry H. Cooley, November 9, 1870, at $1 per acre—Lots No. 177, 223, 281, 233, 279, 291, 341, 293, 339, 235, 277, 237, 275, 295, 339, 297, 335, 355, 225, 37, 71, 39, 69, 117, 81, 115, 167, 129, 165, 179, 221, 181, 219, 123, 171, 125, 169, 175, 357, 351.

Lawrason Riggs, September 17, 1867, at $1—Lots No. 411, 407, 409, 389, 255, 257, 75, 121, 145, 149, 195, 197, 203, 263, 323, 251, 261, 253, 259, 321, 319, 367, 369.

John Henry Lures, July 27, 1867, at $1 50 and $1—Lots No. 371, 373, 377, 375, 415, 417, 413, 447, 199, 201, 315, 49, 59, 93, 103, 53, 55, 95, 101, 99, 143, 151, 205, 155, 159, 189, 309, 311, 313.

Henry L. Henry, August 3, 1866, at $1 50—Lots No. 19, 23.

John Henry, August 9, 1867, at $1 50—Lot No. 21.

Joseph Valcor, August 3, 1866, at $1 50—Lots No. 1, 5, 15.

Algy Dean, August 3, 1866, at $1 50—Lots No. 3, 17, 25, 7, 45, 211, 247, 265, 307.
August 7, 1867, at $1—Lots No. 13, 27, 43, 65, 249.

John B. McBain, August 3, 1866, at $1 50—Lots No. 9, 33.

Joseph W. Wharton, August 3, 1866, at $1 50—Lot No. 11.

Joseph Laws, January 21, 1871, at $1—Lots No. 31, 73, 77, 119, 79.

David S. Stringham, August 7, 1866, at $1 50—Lot No. 35.

William Peters, July 27, 1866, at $1 50—Lots No. 47, 61, 89, 107.

Joseph Peters, July 27, 1866, at $1 50—Lots No. 91, 105.

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Christian Burnes, August 9, 1867, at $1—Lots No. 51, 57.
William Burk, August 7, 1866, at $1 50—Lots No. 97, 139, 141, 153, 137.
William Duffey, August 2, 1866, at $1 50—Lots No. 191, 209, 207.
Elisha Ann Duffey, August 7, 2867, at $1—Lot No. 193.
Jacob P. Dunn, May 11, 1870, at $1—Lots No. 161, 183, 185, 187.
John R. Berry, February 17, 1868, at $1—Lot No. 231.
Hiram Faber, August 3, 1866, at $1 50—Lots No. 269, 245, 267, 305.
John Damock, August 7, 1867, at $1—Lots No. 421, 419.
S. E. McCullough, August 7, 1867, at $1—Lots No. 423, 403, 405.
Lutton M. Demock, September 24, 1866, at $1 50—Lot No. 393.
George W. Demock, February 19, 1869, at $1—Lot No. 353.
Austin M. Demock, September 24, 1866, at $1 50—Lot No. 391.
Elias Ellis, January 27, 1867, at $1 50—Lot No. 317.

The foregoing 197 lots of land, 40 acres each, being 7,880 acres, for $2,500, to Aquilla Jones, July 19, 1858, in a quit-claim deed made by M. J. Bright and wife.

Aquilla Jones, December 31, 1860, the same 197 lots, by quit-claim deed to the State of Indiana. But not to be responsible for any acts of others, or for any defect whatever of title.

List of lots sold by M. G. Bright to the following parties. Warrantee deeds.

November 8, 1869—3,840 acres, $6,620, being lots No. 26, 31, 9, 48, 60, 92, 58, 50, 94, 52, 56, 96, 100, 98, 146, 148, 202, 196, 144, 150, 194, 142, 152, 154, 140, 190, 138, 156, 246, 266, 324, 308, 248, 264, 250, 310, 332, 372, 370, 374, 368, 376, 416, 414, 410, 198, 256, 258, 316, 30, 28, 68, 112, 84, 110, 108, 88, 186, 136, 158, 212, 186, 300, 332, 302, 330, 270, 244, 328, 306, 326, 366, 378, 364, 380, 412, 382, 362, 384, 408, 386, 406, 422, 358, 360, 40, 66, 86, 64, 136, 160, 214, 184, 132, 162, 216, 182, 274, 240, 272, 242, 106, 90.

Henry H. Cooley, December 31, 1870—1,600 acres for $1,725, including taxes of 1870—Lots No. 38, 70, 82, 114, 128, 130, 164, 166, 178, 180, 218, 220, 124, 126, 168, 170, 174, 176, 222, 224, 232, 234, 280, 282, 292, 294, 338, 340, 236, 238, 276, 278, 296, 298, 334, 336, 354, 356, 350, 352.

Alonzo E. Davis, April 21, 1869—320 acres for $960—Lots No. 254, 260, 252, 262, 312, 320, 314, 318.

Eliza Wharton, October 11, 1869—Lots No. 425, 40, for $200.

John Demock, October 11, 1869—Lots No. 418, 420—80 acres, $380.

Samuel Wright, December 31, 1869—Lots No. 10, 32, 34, 36—160 acres, $700.

Lemuel Milk, December 31, 1870—520 acres, $1,600—Lots No. 8, 12, 24, 20, 22, 42, 44, 104, 204, 206, 210, 200.

CHICAGO, *July* 20, 1871.

SIR: You will find on file, about the middle May last, my affidavit showing the condition of Beaver Lake, in Newton County, Indiana. Also my application, with many others, about June 5th following, for an estimate for the survey of said lake, since which time I have examined the records of Indianapolis and find the following concerning said lake:

July 19, 1858, Michael G. Bright, quit-claimed to Aquilla Jones, auditor, 197 alternate forty-acre tracts of said land, being 7,880 acres, for $2,500.

Said Jones quit-claimed said 7,880 acres to the State of Indiana, December 31, 1860, for $3,000. Each of said quit-claim deeds, having written therein the special clause, "but not to be responsible for any act of others, or for any defect whatever of title."

I am informed that about twelve years ago said Beaver Lake was drained into the Kankakee River out of the swamp-land fund of the State of Indiana.

I also find, from the records at Indianapolis, that in 1866 the State sold to divers persons, ten in number, 42 of the forty-acre tracts quit-claimed by said Jones, at $1 50 per acre; and in 1867, 62 of the tracts to eight different persons, at $1 50 per acre; 1 forty-acre tract, at $1 per acre.

Lemuel Milk bought October 28, 1869, 40 of the tracts, at $1 per acre.

Henry H. Cooley bought November 9, 1870, 40 of the tracts, at $1 per acre. The balance was purchased from the State in 1870 and 1871 by Joseph Laws and Jacob B. Dunn, at $1 per acre.

From the records of Newton County, Indiana, I find that in 1868 said Michael G. Bright sold, by warrantee deed, the remaining alternate forty-acre tracts of said land, which had not been disposed of to the State, as follows:

April 21, 1869 to Eliza Wharton 2 tracts, for $200.
December 11, 1869, to Jno. Demock 2 tracts, for $380.
November 8, 1869, to Lemuel Milk 96 tracts, or 3,840 acres, for $6,620.
December 31, 1870, to Lemuel Milk 520 acres, for $1,600.

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December 31, 1870, to Henry H. Cooley 40 tracts, or 1,600 acres, for $1,725.
December 31, 1869, to Samuel Bright 160 acres, for $700.

I find said Lemuel Milk has, from the State and others, over 10,000 acres of said lands, on which he has paid but one year's taxes, that of 1870, amounting to $287 16.

In regard to the remaining waters of said lake, I have recently made a thorough examination of the same, and find not to exceed a section and one-half of water, covering a tract of land about three miles in length, and about one half-mile in width.

About three-quarters of said water is from six to twelve inches in depth, and the remainder being a well-defined channel, ranging from two to five feet in depth, and all of which, in my judgment, and that of a surveyor, who was with me, can be surveyed without difficulty, and drained entirely dry.

Within the original bounds of the said Beaver Lake were several islands, of from ten to fifty acres each, and from ten to thirty feet above water.

ISAAC MYER.

Hon. WILLIS DRUMMOND,
Commissioner General Land-Office, Washington, D. C.

NEWTON COUNTY, *July* 12, 1871.

SIR: I understand you are going to Washington. If so, I wish you would do me the favor of finding out something in regard to the title of our Beaver Lake lands. I have a warrant deed for 280 acres, 140 acres in the meandering of the lake, and I am very anxious for a survey, in order that I may pre-empt, and have no further trouble. The people here think it is Government land, and very many are anxious to have those lands surveyed, in order that they may secure their homes that they labored hard for. Should this favor cause you extra trouble, charge to me, and I will see you paid. We have been proposing to send a man to Washington for this purpose. As you are going, it will answer all purpose.

Yours, in haste,

DUANE HALL.

Mr. PARKER DRESSER.

McCLELLAND TOWNSHIP, NEWTON COUNTY,
Indiana, July 12, 1871.

DEAR SIR: I understand you are going to Washington City in the interest of the pre-emption settlers of Beaver Lake lands. If so, I wish you to urge the Commissioner General Land-Office to order the survey to be made. We are all very anxious to have the lines established, and know where our lands are, so we can make our fences and have our title settled beyond dispute. I am living upon what is supposed to be, when surveyed, the east half of the northwest quarter of section 4, township 30 north, range 9 west. The farm and improvements of Mrs. Peters adjoins me on the west, and Rufus Safford lives on a forty-acre tract on south side of section 4. All the actual settlers on the lands are anxious to have the survey made; and I do not consider the small amount of water in the lake now will interrupt the surveying. I am familiar with the lake, having fished and hunted there often. I have lived where I now reside over a year.

ISAAC WARDLE.

Mr. PARKER DRESSER, *Chicago, Illinois.*

BEAVER LAKE, *July* 12, 1871.

DEAR SIR: I understand that you are going to Washington on business in relation to certain lands located near the above place. I have purchased and have a deed from the State of Indiana of the southeast quarter of southwest quarter of section 4, and the east half of southeast quarter of section 5, township 30 north, of range 9. If this is Government land, I would like to have it surveyed, so I can tell where my land lies for I think it can be surveyed now. I have lived on the above lands four years last May. The above description of lands accords with my deeds, as taken from them.

RUFUS G. SAFFORD.

Mr. MYERS.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 246.

CREEK ORPHANS OF 1832.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

An appropriation required to restore to the Creek orphans of 1832 *certain funds to which they are entitled under the treaty of March* 24, 1832.

APRIL 10, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 6, 1872.

SIR: I have the honor to submit herewith an estimate of appropriation required to restore to the Creek orphans of 1832 certain funds to which they are entitled under the provisions of the treaty with the Creek Nation of March 24, 1832, but illegally invested in stocks or diverted to other purposes, amounting to the sum of $251,055 97.

By the accompanying copy of an opinion of Assistant Attorney General Smith, dated the 15th ultimo, it will be found that the subject has been carefully examined; and as the conclusions of that officer appear to be sustained by reason and authority, I respectfully request the favorable action of Congress upon the estimate.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The SPEAKER *of the House of Representatives.*

Estimate of appropriation required to restore to the Creek orphans of 1832 *certain funds to which they are entitled under the provisions of the treaty with the Creek Nation of March* 24, 1832, *but illegally invested in stocks or diverted to other purposes:*

For this amount, to restore to the Creek orphans the par value of certain stocks, now held in trust by the United States for said orphans, provided that said stocks shall become the property of the United States..	$74,300 00
For this amount, to restore to the Creek orphans the amount taken from their fund, and used for the support of loyal refugees of the Creek people, during the late rebellion.....	106,799 68
For this amount, to restore to the Creek orphans the amount taken from their fund, and used for general purposes of the tribe.....	69,956 29
Total.....	251,055 97

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DEPARTMENT OF JUSTICE,
OFFICE OF ASSISTANT ATTORNEY GENERAL,
Washington, D. C., March 15, 1872.

SIR: I have considered the claim of the Creek orphans, referred by you for my opinion.

This claim grows out of the treaty made with the Creeks on the 24th of March, 1832, and found in volume 7 United States Statutes, page 366.

By that treaty twenty sections of land, to be selected by the President of the United States, were reserved "to the orphan children of the Creeks," and were directed to be "retained or sold for their benefit, as the President may direct." He did direct that they should be sold, and they were sold under the provisions of the act of March 3, 1837, (5 Stat., 186,) and the proceeds, amounting to $108,713 82, invested in stocks. The third section of that act authorized the interest to be paid to the Creeks "in such amounts and in such manner" as in the opinion of the President would be most advantageous to them, and the principal, whenever the President should think proper.

This sum and its interest have been reinvested, and now amount to a large sum, probably $275,000. This is exclusive of the payments that have been made, under the order of the President, two in number, one August 26, 1868, of $106,434 12, and the other, July 1, 1870, of $24,291 63.

The orphans have received no other payments, either on principal or interest. There has been expended out of these funds, and without their consent, for the general purposes of the tribe, $69,956 29, and for the support of loyal Creek refugees, $106,799 68. The stocks now on hand consist of Tennessee 5's and Virginia 6's.

These bonds are below par, and are non-interest-paying bonds. They have been purchased since September 11, 1841.

The attorney for the orphans claims:

1. That the bonds now on hand were obtained in violation of law;

2. That the application of the $69,956 29, for the general purposes of the tribe, was improper;

3. That the application of the $106,799 68, for the support of loyal refugees, was not authorized by law; and

4. That all the payments to the orphans should have been in gold, and that the difference between coin and Treasury notes should be made up to them.

I will consider these claims in their order:

1. The bonds now on hand were purchased in violation of law.

The third section of the act of March 3, 1837, authorized the President to invest the proceeds of the sales of the Creek reserves "in stocks," without specifying any particular stocks. That language is broad enough to justify the purchase that was made, and if the trustee acted in good faith and with reasonable care, there is no legal liability for any loss resulting from his action.

This principle is not controverted; but it is claimed that the subsequent act of September 11, 1841, (5 Stat., 465,) required the investments made after that date to be in United States stocks, bearing interest at not less than five per cent. per annum.

The first section of that act repealed the act authorizing the Secretary of the Treasury to invest the interest accruing on the Smithson bequest in State stocks, and required such interest to be invested in United States stocks of not less than five per cent. annual interest.

The second section is as follows: "That all other funds held in trust by the United States, and the annual interest accruing thereon, when

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not otherwise required *by treaty*, shall in like manner be invested in stocks of the United States, bearing a like rate of interest." This section is general in its terms, and applies to all cases not otherwise provided *by treaty*, and is, I think, a repeal of all laws inconsistent therewith. The act of 1837 is inconsistent with it, and is therefore repealed by it. If the original investment had been made after the passage of the law, there would probably be no doubt of its application. Does it make any difference that the original investment was before the act, but the actual investment was made after the act, but out of funds arising from a sale of stocks, sold after the passage of the act? I think not. The trustee misapprehended his powers, and invested in stocks which the law prohibited him from investing in, and a loss has resulted therefrom. It may have been difficult for him to procure, at that time, the class of bonds the law required. If so, it was his duty to withhold the investment until such time as the proper stocks could be procured, or until he was otherwise directed by Congress. It seems to me that the loss should fall upon the United States and not upon its wards.

2. As to the application of the $69,956 29, for general purposes: These twenty sections were set apart for the benefit of the orphans. The adults of the tribe received compensation for their interests. The orphans were not then in a condition to receive their share. Their claim is now an individual one, and I do not understand how money belonging to individuals can be taken and expended for general purposes of the tribe. The obvious mode would have been to have taken the moneys of the tribe and used them for the general purposes of the tribe.

The purposes for which these moneys were spent were mostly educational; such as building school-houses and supporting schools for the tribe. This may have been beneficial to the orphans, or rather to some of their heirs, for the orphans of 1832 would not be likely to be in school between 1850 and 1861.

The Secretary of the Interior is not a trustee of the Indians in such a sense as to be authorized to spend their money for their benefit without express provision of law. He has no discretion. He must be directed by Congress. It may give him discriminating power, but it did not do it in the case of the Creek orphans. I think their money was improperly expended, and should be returned to them.

3. As to the application of the money for the support of the loyal refugees: The only ground for making this application of the orphan fund is found in the appropriation acts of July 5, 1862, (12 Stat., 528;) March 3, 1863, (12 Stat., 793;) June 25, 1864, (13 Stat., 180,) and the joint resolution of February 22, 1862, (12 Stat., 614.) The first provides "that all appropriations heretofore or hereafter made to carry into effect treaty stipulations, or otherwise, in behalf of any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States, including the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, Wichitas, and other affiliated tribes, may and shall be suspended and postponed, wholly or in part, at and during the discretion and pleasure of the President: *Provided further*, That the President is authorized to expend such part of the amount heretofore appropriated and not expended, and hereinbefore appropriated for the benefit of the tribes named in the preceding proviso, as he may deem necessary, for the relief and support of such individual members of said tribes as have been driven from their homes and reduced to want on account of their friendship to the Government."

(The acts of March 3, 1863, and June 25, 1864, are substantially like that of July 5, 1862.)

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This provision is a summary one. It purports, without a hearing, trial, or "day in court," to dispose of certain funds belonging to certain Indians. It should certainly receive a strict construction, and no funds should be confiscated under it, unless they come clearly within the letter of the act. Looking to the letter, it will be seen that the Creek orphan fund is not included.

The language is, "all appropriations heretofore or hereafter made," &c. The term "appropriation" is well understood. It signifies such portions of the public moneys as have been set apart by Congress for some particular object. It does not include moneys that have never been the property of the Government. This orphan fund never was the property of the Government, and Congress never had, prior to the date of the act now under consideration, made any appropriation for it. The President was the party who controlled the fund and directed when and how it should be paid.

But it was to be not only "all appropriations," but only such appropriations as had been made or should be made "in behalf of any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States."

It was a fund that *belonged to the tribe* that was condemned, not a fund that belonged to *individuals* of the tribe. This orphan fund belonged to individuals, and perhaps to those who were wholly innocent of any participation in the rebellion.

It may well be doubted whether Congress had power to confiscate individual property without invoking the action of the courts, and it should not be held that it had undertaken to do an act so doubtful as to its legality, unless the language is so plain as to leave no other reasonable construction.

The joint resolution of February 22, 1862, is in these words:

> That the Secretary of the Interior be authorized to pay, out of the annuities payable to the Seminoles, Creeks, Choctaws, and Chickasaws, and which have not been paid in consequence of the cessation of intercourse with those tribes, so much of the same as may be necessary to be applied to the relief of such portions of said tribes as have remained loyal to the United States, and have been or may be driven from their homes in the Indian Territory into the State of Kansas, or elsewhere.

Here it is the *annuities* that are authorized to be paid out, the yearly allowances that have been appropriated by Congress, and those that are "payable to the Creeks," and other tribes therein named.

This fund is in no sense an *annuity*, and it is not one "payable to the Creeks." It is payable to *individuals* of the Creeks. I fail to find authority in the acts referred to for expending this orphan fund in the support of loyal refugees.

The treaty of June 14, 1866, (14 Stats., 785,) has sometimes been referred to as releasing the United States from all liability for this fund. I do not so interpret that treaty. The eleventh article provides that—

> The stipulations of this treaty are to be a full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion, and all expenditures by the United States of annuities in clothing and feeding refugees and destitute Indians, since the diversion of annuities for that purpose consequent upon the late war with the so-called Confederate States; and the Creeks hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Creek Nation by the United States, and the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Creeks to the use of refugees and destitute Indians other than the Creeks, or members of the Creek Nation, after the close of the present fiscal year June, thirtieth, eighteen hundred and sixty.

The release here made is "of all claims of said Creek nation" for losses and damages of every kind growing out of the late rebellion, and all ex-

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penditures by the United States of *annuities* in clothing and feeding refugees and destitute Indians.

It does not include all claims of the individuals of said nation, nor expenditure of the individual funds belonging to individual members of said nation—the Creek orphan fund. That, as I have before attempted to show, is not an annuity.

This view is strengthened by reference to the sixth article of the treaty. That did purport to dispose of this orphan fund, but the Senate struck out the entire article.

If it had been the intention of the parties to this treaty to release individual claims, it is to be presumed that they would have used apt words to indicate such intention.

This Creek Nation understand the use of the English language. In the fifth article of their treaty of August 7, 1856, (11 Stats., 699,) they released and discharged the United States "from all other claims and demands whatsoever which the Creek Nation, or any *individuals thereof*, may now have against the United States;" but they were careful to except out of its provisions "the fund created and held in trust for Creek orphans under the second article of the treaty of March 24, 1832."

I think they would have been equally careful to have excepted the orphan fund from the operations of the treaty of 1866 if they had supposed it could be construed to cover individual claims.

For fear there might be some question about their right to insist upon treaty stipulations having been forfeited by their action during the rebellion, they were careful to provide in the twelfth article of this treaty that the United States should "reaffirm and reassume all obligations of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the so-called Confederate States July 10, 1861, not inconsistent therewith.

My conclusion is that this orphan fund was not released, and that the same is a subsisting legal liability against the United States to its full amount, diminished only by the two payments that have been made to the orphans.

4. As to the difference between coin and Treasury notes: This claim was made while the decision of the Supreme Court in the case of Hepburn *vs.* Griswold was in full force.

Since the reversal of that case, and the decision of the Supreme Court in a case not yet reported, I suppose it will not be seriously contended that the orphans are entitled to be paid in coin. They certainly are not as the law now stands. I recommend that, when the President shall direct the payment to be made, Congress be requested to make an appropriation for the benefit of the Creek orphans that shall cover the entire amount found due them upon the principles herein set forth, the United States to take the bonds now on hand, and allow therefor their par value and annual interest on the same, not exceeding five per cent.

Very respectfully,

W. H. SMITH,
Assistant Attorney General.

Hon. C. DELANO,
Secretary of the Interior.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 5, 1872.

SIR: I have the honor to be in receipt of your letter of the 30th ultimo, in which you transmit, with your approval and for consideration and appropriate action on the part of this office, a decision of the Hon. W. H. Smith, Assistant Attorney General, upon the claims of the orphans of the Creek Nation, growing out of the treaty with said tribe of March 24, 1863. (Statutes at Large, vol. 7, p. 366.)

The Assistant Attorney General decides, and the Department rules accordingly, that the Creek orphan fund is entitled to be reimbursed in the following amounts:

First. By the value of certain depreciated bonds purchased, in contravention to law, with moneys belonging to said fund as follows, namely:

Bonds of the State of Tennessee	$20,000
Bonds of the State of Virginia, (Richmond and Danville Railroad Company)	3,500
Bonds of the State of Virginia, (Chesapeake and Ohio Canal Company)	9,000
Bonds of the State of Virginia, registered certificates	41,800
Aggregate	74,300

Second. By the sum of $69,956 29 taken without authority of law from said fund and applied to the general purposes of the Creek Nation.

Third. By the sum of $106,799 68 taken without authority of law from said fund and applied to the support of loyal refugees of the Creek Nation.

The said Creek orphan fund is thus, in the opinion of the Assistant Attorney General, and by the decision of the Department, entitled to be reimbursed in an aggregate amount of $251,055 97.

I accordingly inclose an estimate for appropriations sufficient to reimburse said fund in the several amounts stated.

I have the honor to be, very respectfully, your obedient servant,

F. A. WALKER, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 247.

POST-OFFICE BUILDING, NORTH PROVIDENCE.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of April 3, 1872, relative to a post-office building at North Providence, in the State of Rhode Island.

APRIL 10, 1872.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
April 8, 1872.

SIR: In reply to the resolution of the House of Representatives of the 3d of April instant, calling upon the Secretary of the Treasury for information in regard to the necessity and expediency of erecting a post-office building at North Providence, in the State of Rhode Island, I have the honor to say that the information in possession of the Department is not such as to warrant me in recommending an appropriation for that purpose.

Very respectfully,

GEO. S. BOUTWELL,
Secretary.

HON. JAMES G. BLAINE,
Speaker House of Representatives, Washington, D. C.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 248.

TREASURER OF THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A bill for the relief of the Treasurer of the United States.

APRIL 10, 1872.—Referred to the Committee of Ways and Means and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., April 6, 1872.

SIR: I have the honor to transmit herewith, with a recommendation that it pass, a bill for the relief of F. E. Spinner, Treasurer of the United States.

The several items enumerated in said bill are more fully explained in my letter of the 22d ultimo, transmitting, for the information of the House of Representatives, the report of the committee appointed to examine the office of the Treasurer, and in the report itself.

I am, very respectfully, your obedient servant,

GEO. S. BOUTWELL,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

AN ACT for the relief of Francis E. Spinner, Treasurer of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers be, and they hereby are, authorized and directed to allow Francis E. Spinner, Treasurer of the United States, in the settlement of his general account of receipts and expenditures for the fiscal year ending June thirtieth, one thousand eight hundred and seventy-two, the sum of two hundred and fifty-one dollars and seventy cents, being the amount paid by him for certain mutilated, partially destroyed, and defective compound-interest five per centum and national-bank notes, viz:

Compound interest notes.—Part of note, no number, paid in full by order of the Treasurer, fifty dollars; one-half of note, numbered two hundred and twenty-two thousand nine hundred and thirty-one, B,

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dated May fifteenth, one thousand eight hundred and sixty-five, affidavit of destruction of missing part attached, paid by order of the Treasurer, fifty-nine dollars and seventy cents; one note, no seal, date, or number, face value paid, ten dollars; one mutilated note, numbered ninety-one thousand two hundred and sixty-five, affidavit attached, ten dollars; five notes of ten dollars each, no seal, date, or number, fifty dollars; one note numbered twenty-three thousand five hundred and forty-five, no seal or date, twenty dollars.

Five per centum notes.—One note, no seal, date, or number, supposed one of four stolen from Printing Bureau, paid by order of the Secretary of the Treasury, twenty-one dollars; a part of note, numbered one hundred and ninety-five thousand four hundred and fifty-three, dated May fourteenth, one thousand eight hundred and sixty-four, two-thirds of note burned and missing and affidavit attached of the destruction of the missing part, twenty-one dollars.

National bank notes.—One note of Rockport National Bank, Massachusetts, appears to have been one of a sheet stolen from Printing Bureau, paid by order of the Secretary of the Treasury June twelfth, one thousand eight hundred and sixty-six, ten dollars; in all *two hundred and fifty-one dollars and seventy cents.*

SEC. 2. That the sum of sixty-one thousand one hundred and seventy-four dollars and fifty-two cents, lawful money, be, and it hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, to reimburse Francis E. Spinner for losses incurred in his office as Treasurer of the United States, through embezzlement on the part of employés, and otherwise, without negligence or fault on his part, viz:

Loss by the embezzlement of Seth Johnson, late interest teller, thirty-seven thousand eight hundred and ninety-four dollars and twenty cents; loss by the embezzlement of F. A. Marden, late chief of division of accounts, eleven thousand four hundred and thirteen dollars and ninety-seven cents; part of a package of new notes, stolen from the division of issues, eleven thousand five hundred dollars; amount found short, in an actual count of one hundred and thirty-one thousand dollars, specimen currency, seventy-one dollars and seventy-seven cents; amount found short, in an actual count of the paying-teller's cash, twenty cents; amount found short, in an actual count of a package of new notes, one dollar; amount found short, in an actual count of a package of new notes, temporarily made good by the original counter, twenty dollars; amount found short, in an actual count of the funds of the redemption division, one hundred and thirty-one dollars and thirty-seven cents; amount found short, in an actual count of the funds of the cash division, one hundred and forty-two dollars and one cent; in all, *sixty-one thousand one hundred and seventy-four dollars and fifty-two cents.*

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No 249.

COLUMBIA HOSPITAL FOR WOMEN.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

An appropriation of $30,000 *for purchasing a site for the Columbia Hospital for Women.*

APRIL 10, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 9, 1872.

SIR: I have the honor to transmit herewith a copy of a letter, dated the 30th ultimo, from Dr. J. H. Thompson, surgeon-in-chief of Columbia Hospital for Women and Lying-in Asylum, asking that an appropriation of $30,000 be made by Congress for the purchase of a site for said hospital, and the erection of a building thereon.

I inclose herewith a copy of a bill for this purpose, which requires, should the appropriation be made, that the title to this property shall be vested in the United States.

Concurring in the considerations expressed by Dr. Thompson as to the economy and necessity of making this appropriation, I have the honor to recommend the matter to the favorable consideration of Congress.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. JAS. G. BLAINE,
Speaker of the House of Representatives.

COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN ASYLUM,
Washington, D. C., March 30, 1872.

SIR: For several years past the honorable the Secretary of the Interior has recommended to Congress the passage of an appropriation of $70,000 for the purchase of a site and erection thereon of a building for Columbia Hospital and Lying-in Asylum.

A year since the directors made an arrangement with the owners of the property now occupied by the hospital for its purchase on very ad-

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vantageous terms, namely, twenty-five thousand dollars for the buildings and forty thousand feet of ground.

At the last session of Congress the House voted an appropriation of thirty thousand dollars for the purchase and repair of the property, but it was lost in the Senate committee through some misunderstanding.

It is exceedingly desirable that this property should be secured, and proper provision made for the growing demands upon the institution, and I have the honor to ask that you will recommend to Congress the following appropriation:

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,

J. H. THOMPSON,
Surgeon-in-Chief.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, viz:

For purchase of the building now occupied by the Columbia Hospital for Women and Lying-in Asylum, with forty thousand feet of ground, twenty-five thousand dollars: *Provided*, That the title to said real estate shall be vested in the United States for the use of said hospital, and that no part of the real or personal property now held or to be hereafter acquired by said institution shall be devoted to any other purpose than a hospital for women and lying-in asylum, without the consent of the United States; and that, in addition to the directors whose appointments are now provided for by law, there shall be three other directors appointed in the following manner: One Senator, by the President of the Senate, and two Representatives, by the Speaker of the House. These directors shall hold their office for the term of a single Congress, and to be eligible to a re-appointment.

For alteration and repairs of said building, five thousand dollars, to be expended under the direction of the board of directors of said institution.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 250.

PROPERTY SOLD BY THE NAVY DEPARTMENT.

LETTER

FROM

THE SECRETARY OF THE NAVY,

IN ANSWER TO

A resolution of the House relative to the sales of property belonging to the United States by any officer or agent of the Navy Department since the 30th of June, 1865.

APRIL 10, 1872.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, D. C., April 6, 1872.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, as follows:

Resolved, That the Secretary of the Navy be directed to inform this House, as soon as practicable, what property belonging to the United States has been sold by any officer or agent of the Navy Department, or any Bureau thereof, or of any of the navy-yards of the United States, since the 30th day of June, 1865, giving the name of the officer making the sale, the character of the property sold, the time, place, and manner of making the sales, and the amount realized from said sales, and the disposition made of the proceeds, if paid over to the Treasurer, or into the Treasury, who, when, and by whom it was drawn out, when it has been so drawn, and what was done with the proceeds. He is directed to state how much money has been spent by his Department, and the officers and Bureaus thereof, since the 30th day of June, 1865, in addition to amounts appropriated by Congress for the service of the several fiscal years, commencing July 1, 1865.

In answer to the resolution I have the honor to transmit herewith reports in detail from the chiefs of the several Bureaus of this Department, viz: The Bureau of Ordnance, (marked A;) the Bureau of Equipment and Recruiting, (marked B;) the Bureau of Yards and Docks, (marked C;) the Bureau of Navigation, (marked D;) the Bureau of Medicine and Surgery, (marked E;) the Bureau of Provisions and Clothing, (marked F;) the Bureau of Steam Engineering, (marked G;) the Bureau of Construction and Repair, (marked H;) and a statement of receipts and expenditures of appropriations, (marked I;) also a tabular statement, showing that the total proceeds realized from the sales of property, and deposited in the United States Treasury to the credit of the different appropriations from which the stores were originally purchased, amounted to $12,923,419.82. Out of that sum $1,923,222.32 was used, at various times, for repairs, &c., and drawn from the Treasury by regularly approved requisitions, authorized by law of March 3, 1847, (see vol. 9, p. 171, Statutes at Large,) leaving the amount of $11,000,197.50, which, added to $63,027,567.95, (balances of unexpended

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appropriations,) makes the sum of $74,027,765.45 covered into the Treasury since June 30, 1865.

Further, in answer to that part of the resolution which directs the Secretary of the Navy to state "how much money has been spent by his Department in addition to amounts appropriated by Congress for the services of the several fiscal years commencing July 1, 1865," I would state that it has been the custom to carry forward the unexpended balances of appropriations from one year to another, which balance, when added to the appropriations, would make the sum required for the use of the Navy Department for that fiscal year; and, in making the estimates, the Department was governed by the balances remaining on hand from the preceding year. For instance, the balance to the credit of the Navy Department on July 1, 1865, was $22,408,990.65; to which sum was added the appropriations for the fiscal year 1865–'66, ($119,882,928.75,) making the total amount available for that year $142,291,919.40. But of this sum only $43,324,526.42 was expended; and out of the balance remaining ($98,967,392.98) and subsequent balances, $74,027,765.45 has been covered into the United States Treasury. Therefore, no money in addition to the regular appropriations has been spent. But, on the contrary, the sum of $74,027,765.45, above stated, has been refunded out of the appropriations and proceeds of sales to the Treasury. Of the proceeds of sales, amounting, for the period named, to $12,923,419.82, there has been expended, as previously stated, $1,923,222.32, and the balance, $11,000,197.50 has been refunded to the Treasury.

I have the honor to be, sir, very respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

A.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
March 5, 1872.

SIR: In answer to the indorsement of the Department, of the 15th ultimo, on the resolution from the House of Representatives asking for information relative to sales of property by the Navy Department and the bureaus thereof since the 30th of June, 1865, I have the honor to inclose herewith a statement showing the amount realized by this Bureau from the sale of serviceable and unserviceable ordnance and ordnance stores, at the several navy-yards and stations, since the 30th of June, 1865, and up to February 2, 1872, amounting to $985,634.82.

The proceeds of sales from June, 1865, to May, 1871, were deposited in the Treasury to the credit of "appropriation naval ordnance," and were used as other appropriations under the act approved March 3, 1847.

In this connection I would state that the sum of $3,500,000 was, on November 15, 1867, taken from said appropriation and placed to the credit of the surplus fund, and that since May, 1871, no moneys received from sales have been used by the Bureau.

I have the honor to be, very respectfully, your obedient servant,

A. LUDLOW CASE,
Chief of Bureau.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

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...ale of property under the cognizance of Bureau of Ordnance, Navy Department.

Date		Place	Manner of sale	Officer in charge	Articles sold	Amount realized	Disposition of proceeds
1865.							
Oct.	10	New York yard	Public auction	J. R. M. Mullany, U. S. N., inspector of ordnance.	Condemned ordnance stores	$1,976 71	Deposited in Treasury.
	12	Boston yard	do	Captain J. F. Green, U. S. N., inspector of ordnance.	Refuse wood	50 00	Do.
	13	Washington yard	Private sale	William Rogers Taylor, U. S. N., inspector of ordnance.	do	34 75	Do.
	27	Navy-yard, New York	Public auction	J. R. M. Mullany, U. S. N., inspector of ordnance.	Cartridge clippings, junk, &c	475 00	Do.
	30	do	do	do	Powder	10,846 40	Do.
Nov.	20	do	do	do	Ordnance stores	7,171 33	Do.
	22	Navy-yard, Washington	do	William Rogers Taylor, U. S. N., inspector of ordnance.	Powder	16,244 88	Do.
Dec.	1	Navy-yard, Portsmouth	Private sale	T. P. Greene, U. S. N., inspector of ordnance.	Refuse wood	26 63	Do.
	20	Navy-yard, Norfolk	do	E. Barrett, U. S. N., inspector of ordnance.	do	13 80	Do.
	28	Navy-yard, Portsmouth	Public auction	T. P. Greene, U. S. N., inspector of ordnance.	Unserviceable cannon	15,048 79	Do.
	28	Navy-yard, New York	do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Unserviceable powders	43,388 50	Do.
1866.							
Jan.	8	West Point Foundery	Private sale	Made by Bureau	Old guns, to R. P. Parrott	1,662 73	Do.
	8	Navy-yard, Boston	Public auction	J. F. Green, U. S. N., inspector of ordnance.	Sundry ordnance articles	11,988 09	Do.
	10	Navy-yard, New York	do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Cannon and torpedoes	13,078 05	Do.
	15	Navy-yard, Washington	do	William Rogers Taylor, U. S. N., inspector of ordnance.	Castings, coal, &c	38 82	Do.
	17	New York	Private sale	Made by Bureau	Powder, to Hazard	2,622 40	Do.
	18	Navy-yard, Philadelphia	Public auction	Henry K. Hoff, U. S. N., inspector of ordnance.	Powder	20,616 42	Do.
	18	Erie, Pa	do	Paymaster Stewart	Old guns, &c	1,319 78	Do.
Mar.	15	Navy-yard, Norfolk	do	M. C. Marin, U. S. N., inspector of ordnance.	Powder	33,562 41	Do.
Feb.	8	Navy-yard, New York	do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Serviceable powders, &c	65,553 48	Do.
	8	Reading, Pa	Private sale	W. W. Queen	Broken shot and shell	278 58	Do.
	8	Cape Fear River	do	Made by Bureau	Old shot and shell	11,000 00	Do.
	16	Portsmouth yard	Public auction	T. P. Greene, U. S. N., inspector of ordnance.	Powder	56,782 16	Do.
Mar.	13	New Orleans	do	Paymaster W. C. Cook	Cottage, office, &c	470 40	Do.
April	3	New York yard	do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Powder	16,052 75	Do.
	6	Navy-yard, Norfolk	do	M. C. Marin, U. S. N., inspector of ordnance.	Old wood	36 81	Do.
	12	Navy-yard, Portsmouth	do	T. P. Greene, U. S. N., inspector of ordnance.	Powder	18,561 11	Do.
	18	Pittsburgh, Pa	Private sale	Made by Bureau	Condemned guns	262 69	Do.
May	21	Navy-yard, Philadelphia	Public auction	Henry K. Hoff, U. S. N., inspector of ordnance.	Junk, &c	1,551 30	Do.
	21	Boston	Private sale	T. A. Hunt, U. S. N	Old iron	782 66	Do.

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Sale of property under the cognizance of Bureau of Ordnance, Navy Department—Continued.

Date.	Place.	Manner of sale.	Officer in charge.	Articles sold.	Amount realized.	Disposition of proceeds.
1866.						
June 14	Norfolk yard	Public auction	M. C. Marin, U. S. N., inspector of ordnance	Old guns	$129 44	Deposited in Treasury.
Oct. 25	....do	....do	....do	Powder	6,522 03	Do.
2	Mound City, Ill	....do	E. Lanier, U. S. N.	....do	30,815 13	Do.
13	Boston yard	....do	J. F. Green, U. S. N., inspector of ordnance	Chips	26 25	Do.
18	New York yard	....do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Powder	26,094 01	Do.
18	....do	....do	....do	....do	24,317 46	Do.
Nov. 13	Mound City, Ill	....do	E. Lanier, U. S. N.	Wooden powder-tanks	324 50	Do.
Feb. 13	Navy-yard, New York	....do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Powder	17,560 14	Do.
22	Navy-yard, Portsmouth	....do	T. P. Greene, U. S. N., inspector of ordnance.	....do	1,056 78	Do.
Nov. 22	Navy-yard, New York	....do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Small-arms and ordnance stores	7,063 42	Do.
28	....do	....do	....do	Powder	21,918 48	Do.
Dec. 18	Navy-yard, Boston	....do	J. F. Green, U. S. N., inspector of ordnance	Chips	10 25	Do.
1867.						
Jan. 10	Navy-yard, Norfolk	....do	M. C. Marin, U. S. N., inspector of ordnance	Powder	12,343 08	Do.
24	Navy-yard, New York	....do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Condemned ordnance stores	68,601 03	Do.
Feb. 11	....do	....do	....do	Cartridge-clippings	437 87	Do.
March 5	Baltimore	Private sale	Captain E. Donaldson	Powder-boat	250 00	Do.
April 1	Pensacola yard	Public auction	Gunner W. H. French, ordnance officer	Powder	384 00	Do.
8	New York yard	....do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Refuse wood	487 25	Do.
11	Philadelphia yard	....do	Henry K. Hoff, U. S. N., inspector of ordnance	Condemned ordnance stores	33,356 72	Do.
May 7	....do	....do	T. Turner, U. S. N., inspector of ordnance	Refuse wood	163 95	Do.
9	Boston yard	....do	J. F. Green, U. S. N., inspector of ordnance	Powder	14,063 81	Do.
14	New York yard	....do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Ordnance and ordnance stores	45,606 66	Do.
June 6	....do	Private sale	....do	Guns, to W. Starr	2,534 55	Do.
8	Mare Island yard	Public auction	S. R. Franklin, U. S. N., inspector of ordnance	Ordnance stores	357 68	Do.
10	New York yard	Private sale	J. R. M. Mullany, U. S. N., inspector of ordnance.	Ordnance articles, to Dusenbury	4,138 53	Do.
June 12	....do	Public auction	....do	Refuse wood	123 27	Do.
July 10	Portsmouth yard	....do	Wm. G. Temple, U. S. N., inspector of ordnance	Ordnance and ordnance stores	8,756 28	Do.
16	Philadelphia yard	Private sale	T. Turner, U. S. N., inspector of ordnance	Gun-carriages, to T. Adams	910 58	Do.
Aug. 15	Washington yard	....do	K. R. Breese, U. S. N., inspector of ordnance	Piles, to General Michler	626 08	Do.
17	Philadelphia yard	....do	T. Turner, U. S. N., inspector of ordnance	Chips	12 07	Do.
18	Pensacola yard	Public auction	Gunner W. H. French, inspector of ordnance	Powder	552 00	Do.
19	New York yard	Private sale	J. R. M. Mullany, U. S. N., inspector of ordnance.	Ordnance for Dunderberg, (Webb)	47,864 18	Do.
19	Washington yard	....do	K. R. Breese, U. S. N., inspector of ordnance	Ordnance for Stonewall, (G. E. Baker)	7,707 94	Do.
19	New York yard	Public auction	J. R. M. Mullany, U. S. N., inspector of ordnance	Ordnance stores	9,083 50	Do.

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Sept.	7	Boston yard	Private sale	J. F. Green, U. S. N., inspector of ordnance	Chips	3 75	Do.
		do	do	do	Ordnance, &c., sold to J. T. Ames	6,668 43	Do.
Oct.	9	New York yard	do	J. R. M. Mullany, U. S. N., inspector of ordnance.	Howitzer-carriages, to H. Sturm	1,751 02	Do.
	23	Philadelphia yard	do	T. Turner, U. S. N., inspector of ordnance	Gun-carriages, to T. Adams	150 00	Do.
Nov.	12	do	Public auction	do	Powder	5,730 82	Do.
Dec.	30	Pittsburgh, Pa	Private sale	Captain H. A. Wise	Old shell, to founders	707 86	Do.
1868.							
Jan.	5	Philadelphia yard	Public auction	T. Turner, U. S. N., inspector of ordnance	Powder	7,456 72	Do.
	6	do	do	do	Chips	26 84	Do.
	4	Boston yard	do	A. F. Green, U. S. N., inspector of ordnance	Refuse wood	11 83	Do.
	4	Boston yard	do	do	Refuse wood	80 96	Do.
	4	New York yard	do	J. R. M. Mullany, U. S. N., inspector of ordnance.	do	61 23	Do.
May	9	Portsmouth yard	do	William G. Temple, U. S. N., inspector of ordnance.	Junk	275 92	Do.
	12	Mound City, Ill	do	C. H. Poor, U. S. N., inspector of ordnance	Ordnance articles	14,043 41	Do.
	16	Philadelphia yard	do	J. B. Marchand, U. S. N., inspector of ordnance.	Chips	54 39	Do.
June	5	New York yard	do	J. J. Almy, U. S. N., inspector of ordnance	Old wood	36 90	Do.
	5	Norfolk yard	Private sale	G. H. Cooper, U. S. N., inspector of ordnance.	Powder	130 00	Do.
	6	do	do	do	do	91 00	Do.
	10	Portsmouth yard	do	William G. Temple, U. S. N., inspector of ordnance.	Old carpet	20 76	Do.
	27	Norfolk yard	do	G. H. Cooper, U. S. N., inspector of ordnance	Powder	39 00	Do.
	28	do	do	do	do	130 00	Do.
July	15	Philadelphia yard	do	J. B. Marchand, U. S. N., inspector of ordnance.	Chips	3 55	Do.
Sept.	21	Norfolk yard	do	G. H. Cooper, U. S. N., inspector of ordnance.	Powder	39 00	Do.
	22	do	do	do	do	78 00	Do.
	23	West Point foundery	do	Bureau	Fragments of old guns	140 65	Do.
Oct.	2	Boston yard	Public auction	D. M. Fairfax, U. S. N., inspector of ordnance.	Old guns	2,938 13	Do.
	14	Portsmouth yard	do	W. G. Temple, U. S. N., inspector of ordnance	Castings, &c	221 25	Do.
	10	New York yard	do	J. J. Almy, U. S. N., inspector of ordnance	Ordnance and ordnance stores	1,201 83	Do.
Nov.	30	Norfolk yard	Private sale	George H. Cooper, U. S. N., inspector of ordnance.	Powder	91 00	Do.
	13	Philadelphia yard	Public auction	J. R. Goldsborough, U. S. N., inspector of ordnance.	Old condemned stores	22 80	Do.
	23	Boston yard	do	D. M. Fairfax, U. S. N., inspector of ordnance	Shot and shell	29,803 27	Do.
	23	do	do	do	Sundry ordnance articles	177 83	Do.
	30	Norfolk yard	Private sale	George H. Cooper, U. S. N., inspector of ordnance.	Powder	39 00	Do.
Dec.	9	New York yard	Public auction	J. J. Almy, U. S. N., inspector of ordnance	Ordnance stores	6,888 46	Do.
	11	do	do	do	Sundry ordnance articles	146 00	Do.
	29	do	do	do	do	127 00	Do.
1869.							
Feb.	4	Mare Island yard	do	S. R. Franklin, U. S. N., inspector of ordnance	Ordnance stores	326 68	Do
	12	New York yard	Private sale	J. J. Almy, U. S. N., inspector of ordnance	Articles for Peruvian monitors	1,654 91	Do.
	18	do	do	do	Ordnance stores, to W. S. Starr	284 40	Do.
	23	Washington yard	Public auction	K. R. Breese, U. S. N., inspector of ordnance	Canister, balls, &c	24 40	Do.
April	26	New York yard	Private sale	J. J. Almy, U. S. N., inspector of ordnance	Powder, to Bryce, Grace & Co	1,635 75	Do.

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Sale of property under the cognizance of Bureau of Ordnance, Navy Department—Continued.

Date.	Place.	Manner of sale.	Officer in charge.	Articles sold.	Amount realized.	Disposition of proceeds.
1869.						
April 27	Norfolk yard	Private sale	George H. Cooper, U. S. N., inspector of ordnance.	Powder	$39 00	Deposited in Treasury.
May 20	Philadelphia yard	do	J. R. Goldsborough, U. S. N., inspector of ordnance.	Four gun-carriages	900 00	Do.
June 15	Norfolk yard	do	George H. Cooper, U. S. N., inspector of ordnance.	Powder	39 00	Do.
24	New York yard	do	J. J. Almy, U. S. N., inspector of ordnance	Ordnance, &c., to W. S. Starr	15,243 68	Do.
July 27	do	do	do	Guns to W. S. Starr	800 00	Do.
Aug. 19	do	do	do	Ordnance stores, to Schuyler & Co.	4,916 85	Do.
28	do	do	do	Ordnance, &c., to Schuyler, Hartley & Graham.	6,594 45	Do.
Sept. 1	New York	do	Paymaster Eldredge	Fuzes, to Paulding, Kemble & Co	713 15	Do.
14	Norfolk yard	do	George H. Cooper, U. S. N., inspector of ordnance.	Powder	39 00	Do.
22	Philadelphia yard	Public auction	J. R. Goldsborough, U. S. N., inspector of ordnance.	Chips, junks, &c	124 62	Do.
28	New York yard	do	J. J. Almy, U. S. N., inspector of ordnance	Ordnance and ordnance stores	48,584 23	Do.
Oct. 30	Washington yard	Private sale	F. M. Ramsay, U. S. N., inspector of ordnance.	Small-arms, &c., to T. Adams	424 45	Do.
Nov. 10	do	Public auction	do	Condemned ordnance stores	15,120 60	Do.
22	Philadelphia yard	do	T. G. Corbin, U. S. N., inspector of ordnance	do	1,031 50	Do.
24	New York	Private sale	By Bureau	Fuzes, to Paulding & Co	300 00	Do.
24	Philadelphia yard	Public auction	T. G. Corbin, U. S. N., inspector of ordnance.	Ordnance and ordnance stores	3,583 61	Do.
Dec. 15	Boston yard	do	J. M. Bradford, U. S. N., inspector of ordnance.	Small-arms	9,992 95	Do.
29	Washington yard	Private sale	F. M. Ramsay, U. S. N., inspector of ordnance.	Chips	1 41	Do.
1870.						
Jan. 12	Norfolk yard	Public auction	P. Crosby, U. S. N., inspector of ordnance	Condemned ordnance stores	850 11	Do.
Feb. 16	Portsmouth yard	do	M. L. Johnson, U. S. N., inspector of ordnance.	Small-arms	2,628 49	Do.
23	Philadelphia yard	do	T. G. Corbin, U. S. N., inspector of ordnance.	Ordnance stores	160 80	Do.
28	Washington yard	do	F. M. Ramsay, U. S. N., inspector of ordnance.	do	196 35	Do.
Mar. 9	New York	Private sale	By Bureau	Fuzes	50 00	Do.
22	Washington yard	do	do	Muskets, to W. B. Moore	9 00	Do.
April 20	New York yard	Public auction	J. M. B. Clitz, U. S. N., inspector of ordnance.	Sundry ordnance stores	23 50	Do.
May 2	Washington yard	do	F. M. Ramsay, U. S. N., inspector of ordnance.	Muskets	22 50	Do.
2	do	do	do	Fuzes	8 05	Do.
16	New Orleans, La	do	George W. Brown	Ordnance stores	72 25	Do.
June 23	Philadelphia yard	Private sale	T. G. Corbin, U. S. N., inspector of ordnance	One barrel of powder	35 00	Do.
July 9	Mare Island yard	Public auction	C. H. Baldwin, U. S. N., inspector of ordnance.	Condemned stores	101 03	Do.
28	Boston yard	do	J. M. Bradford, U. S. N., inspector of ordnance.	Cartridge clippings	31 39	Do.
26	Washington yard	do	F. M. Ramsay, U. S. N., inspector of ordnance.	Condemned ordnance stores	2,219 61	Do.
Oct. 5	Philadelphia yard	do	E. R. Calhoun, U. S. N., inspector of ordnance.	Ordnance stores	1,115 09	Do.
8	Portsmouth yard	do	J. Young, U. S. N., inspector of ordnance	do	718 10	Do.
14	Philadelphia yard	do	E. R. Calhoun, U. S. N., inspector of ordnance	Defective lumber	9 00	Do.

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	17	New York yard	Private sale	J. M. P. Ellis, U. S. N. (sold by Bureau)	Ordnance articles, to Austin Baldwin & Co.	99,589 69	Do.
	30	Washington yard	Public auction	F. M. Ramsay, U. S. N., inspector of ordnance.	Ordnance articles	140 00	Do.
1871.							
Jan.	30	do	do	do	do	23 58	Do.
Feb.	4	New York yard	do	E. Barrett, U. S. N., inspector of ordnance	Rifles, &c	5,013 47	Do.
	20	Pensacola yard	do	E. Middleton, U. S. N., commandant	Ordnance stores	9 94	Do.
May	11	Norfolk yard	Private sale	J. E. Jouett, U. S. N., inspector of ordnance	Powder	100 00	Do.
June	13	Philadelphia yard	Public auction	E. R. Calhoun, U. S. N., inspector of ordnance.	Condemned stores	38 90	Do.
	13	Mare Island yard	Private sale	Jno. H. Russell, U. S. N., inspector of ordnance.	Articles furnished Russian steamer	17 60	Do.
July	6	do	Public auction	do	Ordnance stores	459 91	Do.
Oct.	14	Annapolis, Md	do	Paymaster Murray	do	9 00	Do.
	14	Washington yard	do	F. M. Ramsay, U. S. N., inspector of ordnance.	do	3 00	Do.
	14	Philadelphia yard	do	E. R. Calhoun, U. S. N., inspector of ordnance.	Sundry ordnance stores	807 48	Do.
	14	Pensacola yard	Private sale	Gunner Watkins	Carbine	25 00	Do.
Nov.	10	Boston yard	Public auction	W. T. Truxtun, U. S. N., inspector of ordnance.	Condemned stores	78 76	Do.
	23	Washington yard	do	F. M. Ramsay, U. S. N., inspector of ordnance.	do	497 54	Do.
	23	Pensacola yard	do	E. Middleton, U. S. N.	Manila and hemp junk	800 00	Do.
Dec.	6	Washington yard	Private sale	F. M. Ramsay, U. S. N., inspector of ordnance.	Powder, to Dr. Dean	3 60	Do.
	13	Fall's Village, Conn	do	Commodore T. A. Hunt	Old shot and shell	157 70	Do.
1872.							
Jan.	8	Portsmouth yard	Public auction	J. Young, U. S. N., inspector of ordnance	Ordnance stores	477 68	Do.
	19	New York yard	Private sale	W. D. Whiting, U. S. N., inspector of ordnance.	Ordnance stores, to Schuyler, Hartley & Co.	1,345 33	Do.
	19	Washington yard	do	F. M. Ramsay, U. S. N., inspector of ordnance.	Gun-carriages, &c., to Fague	300 00	Do.
	3	Philadelphia yard	Public auction	B. B. Taylor, U. S. N., inspector of ordnance	Sundry ordnance stores	119 27	Do.
	3	Pensacola yard	do	E. Middleton, U. S. N., inspector of ordnance	Coal	46 20	Do.
Feb.	2	Philadelphia yard	do	B. B. Taylor, U. S. N., inspector of ordnance	Powder	102 00	Do.
						985,634 82	

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B.

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, February 26, 1872.

SIR: In answer to a resolution of inquiry of the House of Representatives of the 14th instant, the Bureau transmits herewith a statement showing what property of the United States under its cognizance has been sold "since the 30th day of June, 1865, giving the name of the officer making such sale, the character of property sold, the time, place, and manner of making the sales, and the amount realized from said sales."

This amount ($577,803.22) has been deposited in the Treasury of the United States to the credit of appropriations of this Bureau, and no part of it has been drawn out or used for any purpose.

In November, 1867, the sum of $6,900,000, being unexpended balances of appropriations and accumulated proceeds of sales up to that time, was carried from the appropriations of this Bureau to the surplus fund of the Treasury, and, again, in March, 1870, the sum of $399,000, being further unexpended balances and proceeds of sales since November, 1867, was transferred in a similar manner; the proceeds of sales since March, 1870, $87,407.06, being now in the Treasury to credit of appropriation "equipment of vessels."

No expenditures have been incurred by this Bureau in excess of appropriations by Congress since June 30, 1865, but, on the contrary, the sum of $6,633,709.72, in addition to proceeds of sales under its cognizance, has been carried from its appropriations to the surplus fund of the Treasury.

I have the honor to be, sir, very respectfully, your obedient servant,

WM. REYNOLDS,
Chief of Bureau.

Hon. GEORGE M. ROBESON,
Secretary of the Navy, Washington, D. C.

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Sale of property under the cognizance of Bureau of Equipment and Recruiting, Navy Department.

Officer making sale.	Character of articles sold.	Time of sale.	Where sold.	Manner of making sale.	Amount realized.
Naval Store-keeper R. G. Curtin	Condemned stores	July 1, 1865	Philadelphia	Auction	$8 50
Commodore J. B. Hull	do	July 1, 1865	Navy-yard, Philadelphia	do	625 00
Commodore C. H. Bell	do	Aug. 2, 1865	Navy-yard, New York	do	1,974 69
Commodore Livingston	Coal-barges	Aug. 4, 1865	Mound City, Ill.	*Private sale	2,000 00
Do	do	Aug. 11, 1865	do	do	1,000 00
Do	Condemned stores	Aug. 19, 1865	do	Auction	165 89
Commodore William Radford	do	Aug. 25, 1865	Washington	do	849 53
Commodore T. Bailey	Coal	Aug. 31, 1865	Portsmouth, N. H	To officers	96 83
Chief of Bureau	Hawser	Aug. 1, 1865	New York	To merchant vessel in distress	90 36
Commodore Livingston	Sunken coal	Sept. 1, 1865	Mound City	Auction	304 00
Commodore T. O. Selfridge	Coal	Sept. 6, 1865	Philadelphia	With vessel sold	1,393 75
Commodore Livingston	Coal-barges	Sept. 21, 1865	Mound City	Private sale	5,200 00
Do	do	Sept. 22, 1865	do	do	250 00
Do	do	Sept. 25, 1865	do	do	3,000 00
Commodore Selfridge	Coal	Sept. 28, 1865	Philadelphia	To merchant steamer	240 00
Commodore Livingston	Condemned coal	Sept. 28, 1865	Mound City	Auction	4,599 75
Rear-Admiral S. H. Stringham	Condemned stores	Sept. 30, 1865	Boston	do	3,943 36
Commodore Livingston	Sunken coal	Oct. 3, 1865	Mound City	do	153 36
Rear-Admiral Stringham	Condemned stores	Oct. 3, 1865	Boston	do	788 28
Commodore Selfridge	Coal	Oct. 5, 1865	Philadelphia	To merchant steamer	1,266 50
Consul at Cape Haytien	do	Oct. 13, 1865	Cape Haytien	To Haytien government	900 00
Commodore Livingston	Coal and barges	Oct. 14, 1865	Mound City	Private sale	469 76
Commodore C. H. Bell	Condemned stores	Oct. 17, 1865	New York	Auction	4,225 88
Commodore Livingston	Coal and barge	Oct. 20, 1865	Mound City	Private sale	1,041 52
Do	Barges	Oct. 23, 1865	do	do	2,850 00
Commodore Livingston	Coal-barges	Oct. 23, 1865	do	do	1,500 00
Consul at Port au Prince	Coal	Oct. 24, 1865	Port au Prince	Furnish steamer Port au Prince	722 40
Commodore Radford	do	Oct. 24, 1865	Washington	With vessel sold	1,065 59
Commodore Livingston	Coal and barge	Nov. 1, 1865	Mound City	Auction	779 25
Commodore Radford	Coal	Nov. 3, 1865	Washington	With vessel sold	1,150 29
Commodore Selfridge	do	Nov. 4, 1865	Philadelphia	To officers	63 75
Commodore Livingston	Sunken coal	Nov. 4, 1865	Mound City	Auction	292 50
Do	do	Nov. 10, 1865	do	do	207 33
Do	Barge	Nov. 10, 1865	do	Private sale	500 00
Commodore Radford	Condemned stores	Nov. 16, 1865	Washington	Auction	163 81
Commodore Selfridge	do	Nov. 21, 1865	Philadelphia	do	2,983 76
Commodore Livingston	Barge	Nov. 21, 1865	Mound City	Private sale	40 00
Rear-Admiral Stringham	Condemned stores	Nov. 21, 1865	Boston	Auction	152 00
Do	do	Nov. 30, 1865	do	do	3,794 74
Commodore Livingston	Barge	Nov. 30, 1865	Mound City	Private sale	400 00
Do	do	Dec. 9, 1865	do	do	400 00
R. L. Law	Condemned stores	Dec. 11, 1865	New Berne, N. C	Auction	587 60
Commodore Livingston	Coal-barges	Dec. 16, 1865	Mound City	do	1,314 24

* Coal-barges marked as sold at "private sale" were returned to parties from whom the coal and barges had been purchased, as per agreement.

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Sale of property under the cognizance of Bureau of Equipment and Recruiting, Navy Department—Continued.

Officer making sale.	Character of articles sold.	Time of sale.	Where sold.	Manner of making sale.	Amount realized.
Commodore Radford	Condemned stores	Dec. 22, 1865	Washington	Auction	$84 67
Commodore Bell	do	Dec. 29, 1865	New York	do	207 55
Commodore Livingston	Coal and barges	Jan. 2, 1866	Mound City	do	136, 461 27
Do	do	Jan. 2, 1866	do	Private sale	650 00
Do	do	Jan. 9, 1866	do	do	10 00
Commodore Bell	Condemned stores	Jan. 12, 1866	New York	Auction	4, 578 58
Senior Officer, New Berne	Coal	Jan. 22, 1866	New Berne, N. C	do	1, 350 00
Captain McDougal	Condemned stores	Jan. 22, 1866	Mare Island	do	2, 935 92
Rear-Admiral Stringham	do	Feb. 12, 1866	Boston	do	3, 189 05
Commodore Schenck	Coal-barges	Mar. 2, 1866	Mound City	Private sale	1, 000 00
Do	do	Mar. 6, 1866	do	do	200 00
Do	do	Mar. 12, 1866	do	do	550 00
Commodore Radford	Condemned stores	Mar. 16, 1866	Washington	Auction	141 69
Commodore Schenck	Coal-barges	Mar. 27, 1866	Mound City	Private sale	600 00
Do	Coal	Apr. 7, 1866	New Orleans	Sold to Army	49, 242 61
Commodore Bell	Condemned stores	Apr. 13, 1866	New York	Auction	157 55
Commodore Schenck	Barges	May 1, 1866	Mound City	Private sale	175 00
Commodore Radford	Condemned stores	May 10, 1866	Washington	Auction	227 58
Rear-Admiral Stringham	do	May 16, 1866	Boston	do	5, 429 00
Commodore Selfridge	do	May 26, 1866	Philadelphia	do	7, 930 94
Commodore Schenck	Barge	June 5, 1866	Mound City	Private sale	100 00
Do	Condemned stores	June 13, 1866	do	Auction	219 76
Commodore Bell	do	July 9, 1866	New York	do	4, 422 11
Paymaster J. Foster	do	July 12, 1866	West Gulf Squadron	do	535 50
Naval Store-keeper W. C. Cook	do	July 14, 1866	New Orleans	do	5, 526 54
Commodore Radford	do	July 19, 1866	Washington	do	519 28
Commodore Schenck	do	Aug. 27, 1866	Mound City	do	71 00
Commodore Radford	do	Aug. 31, 1866	Washington	do	157 83
Commodore Schenck	Barge	Oct. 2, 1866	Mound City	Private sale	425 00
Paymaster A. D. Bache	Coal, &c	Oct. 2, 1866	Light-ship Martin's Industry		233 82
Commodore Radford	Condemned stores	Oct. 4, 1866	Washington	Auction	193 14
Commodore Bell	do	Oct. 12, 1866	New York	do	7, 690 74
Rear-Admiral Stringham	do	Oct. 17, 1866	Boston	do	7, 001 59
Commodore Selfridge	do	Oct. 19, 1866	Philadelphia	do	1, 526 06
Acting Master Henry Vaughan	Anchors, &c	Oct. 27, 1866	Charleston, S. C	do	452 88
Commodore Selfridge	Condemned stores	Oct. 27, 1866	Philadelphia	do	1, 456 75
Commodore Bell	do	Oct. 27, 1866	New York	do	415 35
Commodore Radford	do	Nov. 19, 1866	Washington	do	143 25
Commodore Schenck	Barge	Nov. 27 1866	Mound City	Private sale	675 00
Henry Vaughan	Anchors and chains	Dec. 31, 1866	Charleston, S. C	Auction	91 35
Commodore Bell	Condemned stores	Jan. 10, 1867	New York	do	1, 194 75
Henry Vaughan	Anchors and chains	Feb. 7, 1867	Charleston, S. C	do	58 16
A. McC. Bishop	Coal	Feb. 8, 1867	Light-ship Fishing Rip		60 00
Commodore Radford	Condemned stores	Feb. 12, 1867	Washington	Auction	1 53

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Rear-Admiral Bailey	do	Feb. 22, 1867	Boston	do	1580	16
Commodore Radford	do	Feb. 26, 1867	Portsmouth	do	95	12
Vice-Admiral D. D. Porter	do	Feb. 27, 1867	Washington	do	36	05
Henry Vaughan	Anchors and chains	Jan. 27, 1867	Naval Academy	do	7	50
Rear-Admiral Bailey	Condemned stores	Mar. 2, 1867	Charleston, S. C	do	211	85
Rear-Admiral Bell	do	Mar. 15, 1867	Portsmouth, N. H	do	6	00
Rear-Admiral Rowan	Stores	Apr. 11, 1867	New York	do	3,408	52
Do	Coal	Apr. 16, 1867	Norfolk	C. S. S. Corwin	224	79
Henry Vaughan	Anchors and chains	Apr. 22, 1867	do	To officers	40	80
Rear-Admiral Rowan	Condemned stores	Apr. 29, 1867	Charleston, S. C	Auction	143	96
A. McC. Bishop	do	Apr. 30, 1867	Norfolk	do	857	84
Henry Vaughan	Anchors and chains	May 2, 1867	Bay Point, S. C	do	127	25
Real-Admiral Bailey	Condemned stores	May 16, 1867	Charleston, S. C	do	201	30
Commander Armstrong	do	May 25, 1867	Portsmouth, N. H	do	496	27
Do	Coal	May 28, 1867	Pensacola, Fla	do	198	81
Commodore Schenck	Condemned stores	May 28, 1867	do	To officers	43	54
Commodore Selfridge	do	June 7, 1867	Mound City	Auction	22	75
Commodore Rodgers	do	June 19, 1867	Philadelphia	do	2,251	26
Rear-Admiral Radford	do	June 20, 1867	Boston	do	3,000	33
Commodore Rodgers	do	June 22, 1867	Washington	do	3,854	13
Henry Vaughan	Anchors and chains	June 24, 1867	Boston	do	3,838	94
Do	do	June 24, 1867	Charleston, S. C	do	68	21
Rear-Admiral Bailey	Condemned stores	June 24, 1867	do	do	36	27
Rear-Admiral Bell	do	July 24, 1867	Portsmouth	do	63	10
Rear-Admiral Craven	do	July 24, 1867	New York	do	14,602	03
Rear-Admiral Rowan	do	Aug. 3, 1867	Mare Island	do	1,148	20
Rear-Admiral Radford	do	Sept. 12, 1867	Norfolk	do	348	43
John C. Ritter	do	Sept. 16, 1867	Washington	do	228	63
Rear-Admiral Radford	do	Oct. 15, 1867	Saint Louis	do	183	00
Commodore Rodgers	do	Oct. 18, 1867	Washington	do	398	94
Vice-Admiral Porter	do	Oct. 28, 1867	Boston	do	4,505	20
Commodore C. H. Poor	do	Nov. 19, 1867	Naval Academy	do	20	68
Rear-Admiral Bell	do	Nov. 19, 1867	Mound City	do	104	30
Captain Armstrong	do	Nov. 29, 1867	New York	do	1,937	20
Do	Coal	Dec. 19, 1867	Pensacola	do	105	56
Rear-Admiral Bell	Condemned stores	Dec. 19, 1867	do	To officers	18	08
Commodore Selfridge	do	Dec. 20, 1867	New York	Auction	2,740	38
Commodore Rodgers	Cordage	Dec. 28, 1867	Philadelphia	do	7,296	18
Rear-Admiral Radford	Condemned stores	Jan. 1, 1868	Boston	do	9,621	90
Rear-Admiral Bell	Stores	Jan. 13, 1868	Washington	do	487	08
Commodore Poor	Condemned stores	Jan. 31, 1868	New York	Sold with Dumbarton	421	50
Rear-Admiral Bell	do	Feb. 11, 1868	Mound City	Auction	8	90
Commodore Selfridge	do	Feb. 27, 1868	New York	do	1,046	56
Rear-Admiral Radford	Coal	Apr. 1, 1868	Philadelphia	do	454	75
Rear-Admiral Lanman	Condemned stores	May 11, 1868	Washington	To officers	109	58
Commodore Kilty	do	May 20, 1868	Portsmouth	Auction	1,205	84
Do	do	May 30, 1868	Norfolk	do	2,838	26
Rear-Admiral Lanman	do	June 6, 1868	do	do	924	76
Commodore Rodgers	do	June 12, 1868	Portsmouth	do	1,182	31
Secretary of Navy	Stores	June 20, 1868	Boston	do	6,193	53
Rear-Admiral Radford	Condemned stores	June 1, 1868	New York	Sold with Dunderberg	3,356	88
		July 1, 1868	Washington	Auction	154	51

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Sale of property under the cognizance of Bureau of Equipment and Recruiting, Navy Department—Continued.

Officer making sale.	Character of articles sold.	Time of sale.	Where sold.	Manner of making sale.	Amount realized.
Commodore Kilty	Condemned stores	Sept. 3, 1868	Norfolk	Auction	$568 45
Commodore Selfridge	do	Sept. 17, 1868	Philadelphia	do	2, 770 96
Rear-Admiral Radford	do	Sept. 25, 1868	Washington	do	7, 680 63
Rear-Admiral Godon	do	Oct. 3, 1868	New York	do	13, 155 71
	Stores	Oct. 8, 1868	Turned over to War Department		86 94
Commodore Rodgers	Condemned stores	Oct. 10, 1868	Boston	Auction	1, 622 81
Do	do	Oct. 17, 1868	do	do	6, 600 73
Rear-Admiral Godon	do	Oct. 29, 1868	New York	do	4, 132 89
Rear-Admiral Radford	do	Oct. 29, 1868	Washington	do	1, 397 90
Do	do	Oct. 29, 1868	do	do	458 52
Rear-Admiral Lanman	do	Oct. 29, 1868	Portsmouth	do	20 32
Commodore Greene	do	Oct. 30, 1868	Pensacola	do	43 38
Rear-Admiral Lanman	do	Oct. 30, 1868	Portsmouth	do	447 00
Commodore Kilty	do	Nov. 20, 1868	Norfolk	do	576 75
Rear-Admiral Godon	do	Dec. 23, 1868	New York	do	4, 145 86
Rear-Admiral Radford	do	Jan. 13, 1869	Washington	do	279 76
Do	do	Feb. 24, 1869	do	do	2, 154 22
Consul at Halifax	Coal	Feb. 26, 1869	Halifax	do	1, 578 32
Commodore Greene	Stores	Mar. 8, 1869	Pensacola	Sold Peruvian government	96 75
Do	Condemned stores	Mar. 8, 1869	do	Auction	5 58
Commodore Alden	do	Mar. 15, 1869	Mare Island	do	614 00
Commodore Kilty	do	Jan. 10, 1869	Norfolk	do	812 90
H. L. Wait	do	Mar. 16, 1869	New Orleans	do	482 50
Rear-Admiral Poor	do	Mar. 31, 1869	Washington	do	5 50
Commodore Kilty	do	Apr. 8, 1869	Norfolk	do	6, 951 15
Rear-Admiral Poor	do	Apr. 13, 1869	Washington	do	486 23
Rear-Admiral Godon	do	May 19, 1869	New York	do	82 35
George W. Brown	do	May 24, 1869	New Orleans	do	245 73
Rear Admiral Godon	do	June 15, 1869	New York	do	7, 082 02
Commodore Greene	do	June 1, 1869	Pensacola	do	16 84
Commodore Marchand	do	July 12, 1869	Philadelphia	do	1, 403 26
Rear-Admiral Poor	do	July 20, 1869	Washington	do	29 20
Commodore Rodgers	do	Aug. 12, 1869	Boston	do	8, 136 11
Rear-Admiral Dahlgren	do	Oct. 1, 1869	Washington	do	1, 678 55
Rear-Admiral Godon	do	Oct. 9, 1869	New York	do	4, 088 70
Do	do	Nov. 3, 1869	do	do	4, 211 01
Rear-Admiral Lanman	do	Nov. 5, 1869	Portsmouth	do	165 24
Commodore Kilty	do	Nov. 13, 1869	Norfolk	do	3, 639 16
Consul at Cape Haytien	Coal	Nov. 22, 1869	Cape Haytien	Sold Haytien government	1, 421 71
Rear-Admiral Lanman	Condemned stores	Dec. 10, 1869	Portsmouth	Auction	319 94
Commodore Marchand	do	Dec. 10, 1869	Philadelphia	do	91 00
Commodore Walke	do	Dec. 17, 1869	Mound City	do	400 58
Commodore Ellison	Coal	Dec. 18, 1869	League Island	To officers	38 29
Commodore Marchand	do	Dec. 21, 1869	Philadelphia	do	16 41
Commodore Kilty	do	Jan. 7, 1870	Norfolk	do	14 84

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Do	Condemned stores	Jan. 7, 1870	do	do	80 18
Commodore Steedman	Coal	Jan. 6, 1870	do	Auction	799 81
Commodore Kilty	do	Jan. 11, 1870	Boston	To officers	172 09
Commodore Winslow	do	Jan. 12, 1870	Norfolk	do	9 87
Commodore Goldsborough	Condemned stores	Jan. 13, 1870	Portsmouth	do	54 35
Commodore Kilty	Coal	Jan. 17, 1870	Mare Island	Auction	286 00
Commodore Walke	do	Jan. 27, 1870	Norfolk	To officers	63 07
Rear-Admiral Dahlgren	Condemned stores	Feb. 2, 1870	Mound City	do	63 72
Consul at Cape Haytien	Coal	Feb. 7, 1870	Washington	Auction	386 95
Commodore Kilty	do	Feb. 11, 1870	Cape Haytien	Haytien government	589 23
Commodore Greene	do	Feb. 11, 1870	Norfolk	To officers	7 42
Commodore Winslow	do	Feb. 16, 1870	Pensacola	do	43 30
Commodore Steedman	Condemned stores	Feb. 21, 1870	Portsmouth	do	33 36
Rear-Admiral Godon	do	Mar. 3, 1870	Boston	Auction	4, 844 31
Commodore Winslow	do	Mar. 4, 1870	New York	do	1, 108 44
Rear-Admiral Godon	do	Mar. 18, 1870	Portsmouth	do	1, 334 00
Commodore Marchand	do	Mar. 23, 1870	New York	do	2, 590 19
Commodore Steedman	do	Mar. 30, 1870	Philadelphia	do	3, 766 96
Do	do	Mar. 30, 1870	Boston	do	180 50
Commodore Winslow	Coal	Apr. 6, 1870	do	do	91 32
Commodore Kilty	do	Apr. 19, 1870	Portsmouth	To officers	104 81
Do	Condemned stores	Apr. 25, 1870	Norfolk	do	22 26
Commodore Marchand	do	May 21, 1870	do	Auction	1, 422 73
Rear-Admiral Godon	do	May 28, 1870	Philadelphia	do	8, 514 92
Commodore Kilty	Coal	May 31, 1870	New York	do	7, 473 44
Commodore Middleton	do	May 31, 1870	Norfolk	To officers	7 42
Captain Haggerty	Condemned stores	June 1, 1870	Pensacola	do	16 00
Commodore Pennock	do	June 17, 1870	New Orleans	Auction	139 33
Commodore Kilty	do	June 25, 1870	Portsmouth	do	68 56
Commodore Steedman	do	June 29, 1870	Norfolk	do	14 84
Rear-Admiral Dahlgren	do	July 1, 1870	Boston	do	128 35
Consul at Curaçoa	Coal	July 18, 1870	Washington	do	87 50
Commodore Goldsborough	Condemned stores	July 18, 1870	Curaçoa	do	3, 751 45
Rear-Admiral Godon	do	July 27, 1870	Mare Island	do	1, 015 97
Commodore Pennock	do	Aug. 13, 1870	New York	do	3, 345 13
Commodore Middleton	do	Sept. 1, 1870	Portsmouth	do	84 14
Commodore Kilty	Coal	Sept. 6, 1870	Pensacola	do	84 20
Commodore Steedman	Condemned stores	Sept. 12, 1870	Norfolk	To officers	6 72
Do	do	Sept. 13, 1870	Boston	Auction	1, 267 07
Commodore Middleton	do	Sept. 13, 1870	do	do	3, 50
Commodore Steedman	do	Oct. 29, 1870	Pensacola	do	75 78
Rear-Admiral Smith	do	Oct. 13, 1870	Boston	do	48 00
Commodore Pennock	do	Nov. 19, 1870	Washington	do	2, 187 83
Rear-Admiral Godon	do	Nov. 22, 1870	Portsmouth	do	128 73
Rear-Admiral Smith	do	Nov. 26, 1870	New York	do	6, 690 01
Commodore Steedman	do	Dec. 2, 1870	Washington	do	2, 608 30
Commodore Middleton	do	Dec. 21, 1870	Boston	do	7, 769 76
Commodore Steedman	Coal	Jan. 3, 1871	Pensacola	do	882 50
Commodore Pennock	do	Jan. 13, 1871	Boston	To officers	16 00
Paymaster A. W. Russell	Condemned stores	Jan. 14, 1871	Portsmouth	do	43 88
Rear-Admiral Davis	Coal	Jan. 19, 1871	Philadelphia	Auction	16 72
			Norfolk	To officers	28 69

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Sale of property under the cognizance of Bureau of Equipment and Recruiting, Navy Department—Continued.

Officer making sale.	Character of articles sold.	Time of sale.	Where sold.	Manner of making sale.	Amount realized.
Rear-Admiral Goldsborough	Coal	Jan. 26, 1871	Washington	To officers	$13 33
Commodore Middleton	do	Feb. 1, 1871	Pensacola	Auction	540 00
Rear-Admiral Davis	Condemned stores	Feb. 4, 1871	Norfolk	do	2,051 27
Commodore Pennock	Coal	Feb. 8, 1871	Portsmouth	To officers	16 05
Rear-Admiral Goldsborough	Condemned stores	Feb. 11, 1871	Washington	Auction	850 36
Commodore Pennock	do	Feb. 17, 1871	Portsmouth	do	378 00
Senior officer, Key West	Cable	Feb. 24, 1871	Key West	Sold to steamer Wilmington	564 40
Commodore Middleton	Condemned stores	Feb. 25, 1871	Pensacola	Auction	482 36
Commodore Pennock	do	Mar. 8, 1871	Portsmouth	do	30 46
Rear-Admiral Davis	do	Mar. 13, 1871	Norfolk	do	12 06
Rear-Admiral Steedman	do	Apr. 4, 1871	Boston	do	7 50
Commodore Goldsborough	Stores	Apr. 14, 1871	Mare Island	Sold to Russian government	690 59
Rear-Admiral Davis	Coal	May —, 1871	Norfolk	To officers	12 62
Commodore Pennock	do	May —, 1871	Portsmouth	do	7 57
Commodore Emmons	Condemned stores	May —, 1871	Philadelphia	Auction	2,840 66
Rear-Admiral Smith	do	June —, 1871	New York	do	1,592 65
Commodore Goldsborough	do	July —, 1871	Mare Island	do	756 67
Commodore Pennock	Coal	July —, 1871	Portsmouth	To officers	9 37
Commodore Steedman	Condemned stores	July —, 1871	Boston	Auction	6,881 24
Commodore Pennock	Coal	Aug. —, 1871	Portsmouth	To officers	9 46
Commodore Steedman	do	Sept. —, 1871	Boston	do	40 00
Commodore Emmons	do	Sept. —, 1871	Philadelphia	do	13 57
Rear-Admiral Smith	Condemned stores	Oct. —, 1871	New York	Auction	210 28
Commodore Emmons	do	Nov. —, 1871	Philadelphia	do	21 50
Rear-Admiral Steedman	do	Nov. —, 1871	Boston	do	68 00
Rear-Admiral Davis	do	Nov. —, 1871	Norfolk	do	601 27
Rear-Admiral Goldsborough	do	Nov. —, 1871	Washington	do	93 59
Commodore Parrott	do	Jan. —, 1872	Mare Island	do	442 56
Commodore Pennock	Coal	Jan. —, 1872	Portsmouth	To officers	8 57
Rear-Admiral Smith	Condemned stores	Jan. —, 1872	New York	Auction	239 64
Do	do	Jan. —, 1872	do	do	2,342 59
Rear-Admiral Davis	do	Jan. —, 1872	Norfolk	do	12 62
Commodore Emmons	do	Jan. —, 1872	Philadelphia	do	15 15
Rear-Admiral Goldsborough	do	Jan. —, 1872	Washington	do	101 68
Commodore Emmons	do	Jan. —, 1872	Philadelphia	do	14,106 23
Commodore Parrott	do	Jan. —, 1872	Mare Island	do	112 00
Rear-Admiral Goldsborough	do	Jan. —, 1872	Washington	do	253 12
Commodore Middleton	do	Jan. —, 1872	Pensacola	do	28 90
Commodore Middleton	do	Jan. —, 1872	do	do	2,886 55
Commodore Pennock	Coal	Feb. —, 1872	Portsmouth	To officers	8 07
Total					577,803 92

BUREAU EQUIPMENT AND RECRUITING, *February* 26, 1872.

WM. IRBY SOUDS, *Chief of Bureau.*

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C.

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., February 29, 1872.

SIR: I have the honor to acknowledge the reference to this Bureau of a resolution of the House of Representatives, dated February 14th, instant, calling for a report in regard to sales, and I beg leave to submit herewith, in answer thereto, a tabular statement showing what property of the United States, coming under the cognizance of this Bureau, has been sold since the 30th day of June, 1865, giving the name of the officer making such sale, the character of property sold, the time, place, and manner of making the sales, and the amount realized from said sales.

The amount realized from sales by this Bureau during the period referred to in the resolution is $132,778.95, which sum has been deposited in the Treasury of the United States, to the credit of appropriations of this Bureau, and no part of it has been drawn out or used for any purpose.

No expenditures have been made by this Bureau since the 30th day of June, 1865, in addition to amounts appropriated by Congress, but, on the contrary, it caused to be covered into the surplus fund of the Treasury, on the 24th February, 1870, the sum of $951,000 from its appropriations.

I am, very respectfully, your obedient servant,

C. R. P. RODGERS,
Chief of Bureau.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

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Statement of auction sales, at navy-yards, under cognizance of the Bureau of Yards and Docks.

Officer making sale.	Character of property sold.	When sold.	Where sold.	Manner of sale.	Amount realized.
KITTERY, MAINE.					
Commandant navy-yard, Kittery	Wood and chips	Aug., 1865	Navy-yard, Kittery	Auction	$271 59
Do	Oxen	Nov., 1865	do	do	1,131 50
Do	Wood and chips	Nov., 1865	do	do	141 70
Do	Oxen, chips, &c	Feb., 1866	do	do	3,004 54
Do	Chips	May, 1866	do	do	598 75
Do	Steam-engine	May, 1866	do	do	465 25
Do	Manure	Oct., 1866	do	do	52 70
Do	Oxen	Oct., 1866	do	do	568 25
Do	Miscellaneous articles	Dec., 1866	do	do	1,213 40
Do	Oxen	Feb., 1867	do	do	602 00
Do	Condemned stores	May, 1867	do	do	45 00
Do	Chips	Jan., 1868	do	do	554 85
Do	Oxen	April, 1868	do	do	287 06
Do	Manure	April, 1868	do	do	85 63
Do	House and carpets	May, 1868	do	do	193 16
Do	Manure	June, 1868	do	do	31 18
Do	Coal	July, 1868	do	do	122 58
Do	Oxen and manure	Nov., 1868	do	do	1,179 13
Do	Carpet	Jan., 1869	do	do	75 41
Do	Condemned stores	Dec., 1869	do	do	305 01
Do	Oxen	May, 1870	do	do	700 00
Do	Oxen	June, 1870	do	do	1,225 00
Do	Oxen and manure	April, 1869	do	do	1,174 22
Do		Feb., 1871	do	do	185 72
Total					14,213 63
BOSTON, MASS.					
Rear-Admiral S. H. Stringham, U. S. N	Canvas clippings, &c	Sept., 1865	Boston	Public auction	821 11
Do	Oxen and mules	Nov., 1865	do	do	1,445 45
Do	Chips	Jan., 1866	do	do	2,207 97
Do	Screening	Feb., 1866	do	do	84 44
Do	Chips	April, 1866	do	do	165 00
Do	do	Mar., 1866	do	do	1,513 29
Do	do	June, 1866	do	do	943 50
Do	Chips and wood	July, 1866	do	do	1,949 46
Do	Chips	Oct., 1866	do	do	1,091 66
Do	Condemned stores	Oct., 1866	do	do	406 19
Do	Sale miscellaneous articles	Nov., 1866	do	do	2,234 16
Commodore John Rodgers, U. S. N	Chips	Jan., 1867	do	do	763 69
Do	Iron, bellows, &c	Feb., 1867	do	do	345 25

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Do	Chips	May, 1867	do	do	865 00
Do	Chips	May, 1867	do	do	293 62
Do	Iron, &c	May, 1867	do	do	1,246 65
Do	Miscellaneous articles	June, 1867	do	do	17 86
Do	Chips	July, 1867	do	do	779 52
Do	Cattle	Aug., 1867	do	do	2,041 77
Do	Coal	Aug., 1867	do	do	44 36
Do	Hose	Sept., 1867	do	do	4 00
Do	Chips	Oct., 1867	do	do	240 87
Do	Furniture	Oct., 1867	do	do	3 08
Do	Mare	Oct., 1867	do	do	157 12
Do	Miscellaneous articles	Nov., 1867	do	do	244 99
Do	Chips and old boilers	Jan., 1868	do	do	371 27
Do	Sale miscellaneous articles	Mar., 1868	do	do	1,262 95
Do	Oxen and chips	April, 1868	do	do	1,843 92
Do	Chips	July, 1868	do	do	301 03
Do	Iron	July, 1868	do	do	2,435 16
Do	Chips	Aug., 1868	do	do	239 18
Do	Chips, iron, &c	Oct., 1868	do	do	2,135 63
Do	Chips	Jan., 1869	do	do	521 14
Do	Cattle	Feb., 1869	do	do	1,213 87
Do	Furniture	Feb., 1869	do	do	42 44
Do	Cattle and fire-engine	April, 1869	do	do	2,177 81
Do	Condemned stores, &c	June, 1869	do	do	35 29
Do	do	Jan., 1870	do	do	458 03
Do	do	July, 1870	do	do	57 76
Do	Horse	Oct., 1870	do	do	147 75
Do	Furniture	Mar., 1870	do	do	53 69
Do	Miscellaneous articles	Aug., 1870	do	do	615 10
Total					33,832 66

NEW YORK, N. Y.

Commandant navy-yard, New York	Chips	Oct., 1865	Navy-yard, New York	Auction	5,000 00
Rear-Admiral H. Paulding	Wood, chips, and junk	Dec., 1865	do	do	2,675 62
Commodore C. H. Bell	Wood and chips	July, 1866	do	do	4,614 42
Do	Sale of engine and boiler	Oct., 1866	do	do	124 85
Do	Miscellaneous items	Jan., 1867	do	do	1,106 76
Do	Chips	Mar., 1867	do	do	334 35
Do	Sales miscellaneous articles	July, 1867	do	do	1,322 50
Do	Derrick	Aug., 1867	do	do	555 00
Do	Oxen	Oct., 1867	do	do	491 19
Do	Chips, &c	Nov., 1867	do	do	389 17
Do	Chips	Dec., 1867	do	do	422 54
Rear-Admiral S. W. Godon	Oxen	July, 1868	do	do	103 00
Do	Sale of stores	Dec., 1868	do	do	1,480 82
Do	Shed	April, 1869	do	do	70 00
Do	Carpet	Aug., 1869	do	do	1,047 86
Do	Account of sales of condemned articles	Feb., 1870	do	do	1,062 18
Do	Coal-dust	Feb., 1870	do	do	133 00

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Statement of auction sales at navy-yards, &c.—Continued.

Officer making sale.	Character of property sold.	When sold.	Where sold.	Manner of sale.	Amount realized.
NEW YORK, N. Y.—Continued.					
Rear-Admiral S. W. Godon	Wood, &c	June, 1870	Navy-yard, New York	Auction	$4,799 02
Rear-Admiral M. Smith	Sale of carts, wagons, &c	Feb., 1871	do	do	568 87
Do	Account of sale of miscellaneous articles	June, 1871	do	do	2,720 67
Do	Account of sales of miscellaneous articles	Jan., 1872	do	do	3,988 83
Total					33,010 65
PHILADELPHIA, PA.					
Commodore J. B. Hull	Chips, &c	Oct., 1865	Navy-yard, Philadelphia	Auction	1,415 50
Do	Chain float, &c	Nov., 1865	do	do	319 86
Commodore Thomas O. Selfridge	Wood and chips	April, 1866	do	do	756 40
Do	Miscellaneous articles	May, 1866	do	do	527 58
Do	Chips	July, 1866	do	do	367 65
Do	Sale of miscellaneous articles	Aug., 1866	do	do	33 90
Do	Anvils	Oct., 1866	do	do	90 38
Do	Wood and chips	Oct., 1866	do	do	435 95
Do	Chips	Jan., 1867	do	do	294 30
Do	do	April, 1867	do	do	156 60
Do	Sale of horse, &c	June, 1867	do	do	337 20
Do	Sale of chips and wood	July, 1867	do	do	108 45
Do	Chips	Sept., 1867	do	do	176 48
Do	do	Oct., 1867	do	do	85 79
Do	do	Nov., 1867	do	do	744 74
Do	Sales of chips and wood	Dec., 1867	do	do	262 35
Do	Sales of chips and wood and water-cans	Dec., 1867	do	do	69 80
Do	Sales	April, 1868	do	do	298 95
Do	Chips	April, 1868	do	do	346 83
Do	do	April, 1868	do	do	68 40
Do	Old stock	June, 1868	do	do	183 59
Do	Chips	Sept., 1868	do	do	976 06
Commodore J. B. Marchand	do	Jan., 1869	do	do	170 31
Do	Sales of wood and manure	Mar., 1869	do	do	114 96
Do	Sales of engine and miscellaneous articles	June, 1869	do	do	438 31
Do	Sales of old wood and scale-house	Sept., 1869	do	do	269 93
Do	Account of sale of old carpet	Dec., 1869	do	do	31 27
Do	Account of sale of zinc	Mar., 1870	do	do	241 85
Do	Account of sale of bedstead and looking glasses	June, 1870	do	do	32 90
Do	Old junk and chain	Nov., 1870	do	do	1,348 39
Do	Old wood	Jan., 1871	do	do	23 33
Do	Sale of dressing machine, &c., &c	Sept., 1869	do	do	4,399 99

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Do	Miscellaneous articles	May, 1870	do	do	156 67
Commodore C. R. Thomas	Timber, &c	April, 1871	do	do	920 70
Do	Furniture	Sept., 1871	do	do	499 78
Do	Condemned stores, &c	Jan., 1871	do	do	245 43
Commodore J. B. Hull	Looking-glass, &c	July, 1865	do	do	12 00
Total					16,963 68
WASHINGTON, D. C.					
Commandant navy-yard, Washington	Chips and lumber	Aug., 1865	Navy-yard, Washington	Auction	90 35
Commodore J. B. Montgomery	Horse	Aug., 1865	do	do	32 00
Do	Ashes and lumber	Oct., 1865	do	do	84 50
Do	Miscellaneous articles	Dec., 1865	do	do	187 13
Commodore William Radford	Oxen	June, 1866	do	do	227 50
Do	Miscellaneous articles	May, 1866	do	do	71 50
Do	Rope	June, 1866	do	do	50 00
Do	Sales of engine and condemned rope	July, 1866	do	do	40 30
Do	Horse and chips	Aug., 1866	do	do	66 62
Do	Miscellaneous articles	Sept., 1866	do	do	239 00
Do	Horse	Oct., 1866	do	do	82 00
Do	Ensigns and wood	Oct., 1866	do	do	61 75
Do	Carpeting and wood	Nov., 1866	do	do	112 63
Do	Sale of carryall and set of wheels	Feb., 1867	do	do	173 20
Do	Horse	July, 1867	do	do	28 00
Rear-Admiral C. H. Poor	Account of sales of condemned articles	Jan., 1869	do	do	1,100 80
Do	do	Feb., 1869	do	do	415 84
Do	Stones	April, 1869	do	do	46 77
Do	Account of sale of oil-cloth, boiler, &c	Oct., 1869	do	do	324 16
Rear-Admiral J. A. Dahlgren	Account of sale of condemned articles	Feb., 1870	do	do	356 12
Rear-Admiral M. Smith	Account of sale of old material	May, 1870	do	do	1 40
Do	Account of sale of condemned stores	Oct., 1870	do	do	220 45
Rear-Admiral L. M. Goldsborough	Dredging-machine	Jan., 1871	do	do	3,332 15
Do	Account of sales of miscellaneous articles	Feb., 1871	do	do	235 37
Rear-Admiral C. H. Poor	Hose-reel and refrigerator	July, 1869	do	do	17 18
Rear-Admiral L. M. Goldsborough	Condemned miscellaneous stores	Aug., 1871	do	do	667 29
Total					8,264 01
NORFOLK, VIRGINIA.					
Captain J. M. Berrien, U. S. N	Tools and machinery	Sept., 1865	Norfolk, Va	Public auction	$1,695 47
Commodore R. B. Hitchcock, U. S. N	Furniture	Dec., 1865	do	do	206 03
Do	Oxen	Jan., 1866	do	do	228 12
Do	Wood	April, 1866	do	do	219 93
Do	Ox and horse	June, 1866	do	do	183 13
Do	Prize property	Aug., 1866	do	do	7,399 84
Do	do	Aug., 1866	do	do	
Rear-Admiral S. C. Rowan, U. S. N	Wood	April, 1867	do	do	185 24
Do	Horse	April, 1867	do	do	68 62
Do	Condemned stores	July, 1867	do	do	12 54

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Statement of auction sales at navy-yards, &c.—Continued.

Officer making sale.	Character of property sold.	When sold.	Where sold.	Manner of sale.	Amount realized.
NORFOLK, VIRGINIA—Continued.					
Commodore A. H. Kilty, U. S. N	Miscellaneous articles	Sept., 1867	Norfolk, Va	Public auction	$36 44
Do	Wood and machinery	Nov., 1867	do	do	728 25
Do	Wood	Mar., 1868	do	do	146 16
Do	do	April, 1868	do	do	19 95
Do	do	April, 1868	do	do	8 31
Do	do	May, 1868	do	do	863 81
Do	do	June, 1868	do	do	31 05
Do	do	July, 1868	do	do	48 83
Do	Chips	Aug., 1868	do	do	590 29
Do	Oxen, iron, and wood	Dec., 1868	do	do	273 10
Do	Carpets and wood	Dec., 1868	do	do	169 31
Do	Boilers	June, 1869	do	do	60 08
Do	Horse	Dec., 1869	do	do	227 17
Do	Furniture	April, 1870	do	do	82 83
Do	Condemned articles	Oct., 1870	do	do	429 20
Do	Condemned stores	Dec., 1870	do	do	107 60
Do	Oxen	May, 1869	do	do	2,113 67
Do	Condemned stores	Aug., 1869	do	do	89 20
Do	Oxen, horse, and shovels	Dec., 1871	do	do	910 15
Rear-Admiral C. H. Davis, U. S. N	Condemned stores				17,133 82
Total					
PENSACOLA, MARE ISLAND, NAVAL ASYLUM, ETC.					
Captain Joseph F. Armstrong, U. S. N	Chips	July, 1868	Pensacola	Public auction	41 62
Commodore Theodore P. Greene, U. S. N	Scrap-iron, &c	Sept., 1869	do	do	1,595 35
Do	Steam launch	Jan., 1870	do	do	825 00
Do	Anchors	Feb., 1870	do	do	96 00
Commodore Edward Middleton, U. S. N	Miscellaneous articles	Jan., 1871	do	do	481 49
Rear-Admiral Thomas T. Craven, U. S. N	Condemned articles	Mar., 1869	Mare Island	do	9 20
Commodore J. R. Goldsborough, U. S. N	Condemned stores	July, 1870	do	do	596 21
Commodore J. F. Schenck, U. S. N	Horses	Oct., 1866	Mound City, Ill	do	110 00
Rear-Admiral C. H. Poor, U. S. N	Furniture	Mar., 1867	do	do	253 90
Do	Miscellaneous articles	June, 1867	do	do	127 10
Do	Dock-barge	Sept., 1867	do	do	55 00
Do	Mules	Sept., 1867	do	do	90 10
Do	Steamboat-bells	Nov., 1867	do	do	280 39
Do	Old junk	Dec., 1867	do	do	12 35
Do	Warehouse trucks	Jan., 1868	do	do	12 30
Do	Public property	Sept., 1867	do	do	442 89
Commodore J. F. Schenck, U. S. N	Horses, mules, &c	Feb., 1866	do	do	1,353 55
Commodore H. Walke, U. S. N	Condemned stores	Dec., 1870	do	do	146 50

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[illegible]	[illegible]	Nov.,	1871	....do	....do	66 60
Rear-Admiral H. Paulding, U. S. N	Hay	Oct.,	1868	Naval Asylum	....do	40 00
Do	Clothing	Sept.,	1868	....do	....do	49 21
Do	Grain	Oct.,	1868	....do	....do	60 00
Do	Produce	Dec.,	1868	....do	....do	54 00
Do	Clothing	Jan.,	1869	....do	....do	112 05
Do	Miscellaneous articles	June,	1869	....do	....do	97 63
Do	Wheat	July,	1869	....do	....do	22 65
Rear-Admiral J. L. Lardner, U. S. N	Furniture	Mar.,	1870	....do	....do	85 18
Do	Effects of beneficiaries	May,	1870	....do	....do	21 00
Do	....do	Oct.,	1869	....do	....do	42 57
Commodore John R. Goldsborough, U. S. N	Furniture	Jan.,	1870	Mare Island	....do	57 76
Commodore E. G. Parrott, U. S. N	Condemned stores	May,	1871	....do	....do	372 26
Commodore William Reynolds, U. S. N	Horses	Jan.,	1866	Bay Point, S. C	....do	65 00
Commodore O. S. Glisson, U. S. N	Grass	July,	1869	League Island	....do	490 10
Commander J. H. Upshur, U. S. N	....do	Sept.,	1871	New London	....do	678 03
Commodore J. F. Schenck, U. S. N	Mules, carts, &c	Aug.,	1866	Mound City	....do	526 15
Commodore H. Walke, U. S. N	Condemned stores	Jan.,	1870	....do	....do	71 11
Total						9,360 50

RECAPITULATION.

Amounts received from sale of condemned stores, under Bureau of Yards and Docks, at—	
Navy-yard, Kittery	$14,213 63
Navy-yard, Boston	33,832 66
Navy-yard, New York	33,010 65
Navy-yard, Philadelphia	16,963 68
Navy-yard, Washington	8,264 01
Navy-yard, Norfolk	17,133 82
Navy-yard, Pensacola, Mare Island, &c	9,360 50
Total	132,778 95

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D.

BUREAU OF NAVIGATION, NAVY DEPARTMENT,
Washington, March 2, 1872.

SIR: In compliance with your order of the 15th ultimo, indorsed on a copy of the resolution of the House of Representatives, dated the 14th of February, 1872, calling for certain information from the Navy Department, I have the honor to submit the accompanying statement as answer thereto, so far as the Bureau of Navigation is concerned, together with the several offices under its immediate charge.

I am, sir, very respectfully, your obedient servant,
DAN'L AMMEN, *Chief of Bureau.*

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

Return to an order of the honorable the House of Representatives dated February 14, 1872—

"That the Secretary of the Navy be directed to inform this House, as soon as practicable, what property belonging to the United States has been sold by any officer or agent of the Navy Department, or any Bureau thereof, or of any of the navy-yards of the United States, since the 30th day of June, 1865, giving the name of the officer making the sale, the character of the property sold, the time, place, and manner of making the sales, and the amounts realized from said sales, and the disposition made of the proceeds, if paid over to the Treasury, or into the Treasury; also, when and by whom it was drawn out, when it has been so drawn, and what was done with the proceeds.

"He is directed to state how much money has been spent by his Department, and the officers and Bureaus thereof, since the 30th day of June, 1865, in addition to amounts appropriated by Congress for the service of the several fiscal years, commencing July 1, 1865."

FIRST PART OF THE INQUIRY.

Relative to the first part of the inquiry, Appendix A gives the required particulars concerning all sales of public property coming within the cognizance of the Bureau of Navigation from the 1st day of July, 1865, to the 31st day of January, 1872, both inclusive. A summary of the same is also given. In this statement it will be seen that all the moneys received from the sales of public property have been deposited in the United States Treasury to the credit of the particular apropriations to which the articles had previously been charged. The proceeds of sales were thus merged in the respective appropriations, and made available for subsequent expenditures, like other portions of those appropriations.

SECOND PART OF THE INQUIRY.

Relative to the second part of the inquiry, the answer is contained in Appendix B, in which it will be seen that no money has been expended by the Bureau of Navigation, under any of the appropriations coming within its cognizance, "in addition to the amounts appropriated by Congress for the several fiscal years commencing July 1, 1865," except under the appropriation Nautical Almanac. The Nautical Almanac, under the provisions of the law of March 3, 1849, establishing this publication, is required to be sold at cost for the benefit of navigators, and the proceeds deposited in the United States Treasury; which proceeds, from the beginning, have been used in part defrayment of the expense of publication.*

DAN'L AMMEN, *Chief of Bureau.*

BUREAU OF NAVIGATION, *March* 2, 1872.

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* Until the decision of the First Comptroller of the Treasury, in the fiscal year 1870-'71, which thereafter precluded any further use of proceeds of sales, even of this publication.

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Sales of public property on account of appropriation "Navigation."

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1866.						
July 6	.....	.....	Stores	To Treasury Department for revenue cutter.	$24 27	United States Treasury.
6	New York	Commander E. T. Nichols	Condemned stores.....	Auction	334 33	Do.
23	Philadelphia	Paymaster Henry Etting.....	.....do	.....do	1,006 32	Do.
Aug. 8	New York	Commander E. T. Nichols	.....do	.....do	2,094 75	Do.
25	San Francisco	Paymaster E. C. Doran	.....do	.....do	35 02	Do.
Sept. 27	Boston.....	Commander F. S. Haggerty.....	.....do	.....do	341 88	Do.
Nov. 1	New York.....	Commander E. T. Nichols	.....do	.....do	423 50	Do.
1	....do	.....do	Hydrographic publications..	Private	40 00	Do.
Dec. —	....do	.....do	.....do	.....do	39 20	Do.
1867.						
Jan. —	....do	Blunt & Nichols, agents	.....do	.....do	5 14	Do.
16	....do	Commander E. T. Nichols	Lithographic stones.....	.....do	3,297 68	Do.
5	Washington	Commodore T. A. Jenkins	.....do	.....do	345 06	Do.
Feb. 6	Boston.....	Commander W. K. Mayo	Condemned stores	Auction	214 01	Do.
May 4	New York.....	Commander E. T. Nichols	.....do	.....do	358 00	Do.
—	....do	.....do	Hydrographic publications..	Private	20 00	Do.
June —	San Francisco.....	Paymaster E. C. Doran	Condemned stores	Auction	39 53	Do.
Aug. —	New York.....	Commander E. T. Nichols	Hydrographic publications..	Private	24 00	Do.
—	Washington	Commander T. S. Fillebrown	.....do	.....do	32 25	Do.
Sept. —	New York.....	Commander E. T. Nichols	.....do	.....do	108 65	Do.
Oct. 10	United States steamer Saco.	Paymaster J. G. Harris	Watch, books, &c.....	Deducted from pay of Acting Master Strandberg.	26 33	Do.
Nov. 16	Washington	Commander H. K. Davenport.....	Coston signals	Private	35 00	Do.
Dec. 20	....do	.....do	.....do	.....do	100 00	Do.
—	New York.....	Captain E. T. Nichols.....	Hydrographic publications..	.....do	33 11	Do.
1868.						
Feb. 13	....do	Paymaster J. C. Eldredge.....	Coston signals	.....do	170 92	Do.
—	....do	Captain E. T. Nichols.....	Hydrographic publications..	.....do	63 12	Do.
Mar. 10	Boston.....	Paymaster J. G. Harris.....	Condemned stores	Auction	291 31	Do.
April 10	Portsmouth, N. H.	Commander H. C. Blake	Carpet	.....	11 88	Do.
May 9	Boston.....	Commander W. K. Mayo.....	Hydrographic publications..	Private	36 00	Do.
June 25	Portsmouth, N. H.	Commander H. C. Blake	Condemned stores	Auction	156 64	Do.
—	New York.....	Captain E. T. Nichols.....	Hydrographic publications..	Private	139 52	Do.
Aug. —	....do	.....do	.....do	.....do	18 00	Do.
Sept. —	....do	Captain J. W. A. Nicholson	.....do	.....do	16 00	Do.
Oct. 9	....do	.....do	Condemned stores.....	Auction	1,613 64	Do.
Nov. 10	....do	.....do	.....do	.....do	1,133 51	Do.
Dec. —	Washington	Commander T. S. Fillebrown.....	Hydrographic publications..	Private	49 00	Do.

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Sales of public property on account of appropriation "Navigation"—Continued.

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1869.						
Jan. —	Washington	Commander T. S. Fillebrown	Hydrographic publications	Private	$78 89	United States Treasury.
14	New York	Captain J. W. A. Nicholson	Condemned stores	Auction	620 61	Do.
—	Washington	Commander E. Simpson	Hydrographic publications	Private	512 51	Do.
—	....do	.....do	.....do	.....do	39 17	Do.
Feb. 8	Pensacola	Commander G. A. Stevens	Stores	To Peruvian fleet	1,031 17	Do.
15	New York	Paymaster J. C. Eldredge	.....do	To Quartermaster's Department, United States Army	330 77	Do.
17	Pensacola	Commander G. A. Stevens	Condemned stores	Auction	3 25	Do.
—	Washington	Commander E. Simpson	Hydrographic publications	Private	54 54	Do.
Mar. —	New York	Captain J. W. A. Nicholson	.....do	.....do	32 00	Do.
April 16	... do	.....do	Stores	To Quartermaster's Department, United States Army.	1,632 01	Do.
May 1	....do	.....do	Hydrographic publications	Private	40 00	Do.
June —	Washington	Commander E. Simpson	.....do	.....do	256 54	Do.
2	Philadelphia	Commander B. Gherardi	Condemned stores	Auction	113 10	Do.
1	New York	Captain J. W. A. Nicholson	.....do	.....do	1,279 73	Do.
—	....do	Blunt & Co., agents	Hydrographic publications	Private	278 07	Do.
Aug. 19	Philadelphia	Paymaster James Fulton	Binnacle lights, &c.	Auction	160 00	Do.
Sept. —	Washington	Commander E. Simpson	Hydrographic publications	Private	64 50	Do.
—	New York	Blunt & Co., agents	.....do	.....do	259 21	Do.
—	Washington	Commander E. Simpson	.....do	.....do	367 32	Do.
—	....do	Commodore A. L. Case	Flags	To State Department	46 00	Do.
Oct. 12	New York	Captain J. W. A. Nicholson	Condemned stores	Auction	1,328 44	Do.
Dec. —	Washington	Commander E. Simpson	Hydrographic publications	Private	160 00	Do.
—	New Orleans	L. Frigerio, agent	.....do	.....do	8 65	Do.
—	Washington	Commander E. Simpson	.....do	.....do	141 28	Do.
1870.						
Jan. —	New Orleans	L. Frigerio, agent	.....do	.....do	17 77	Do.
—	Washington	Commodore G. F. Emmons	.....do	.....do	79 20	Do.
—	New York	Blunt & Co., agents	.....do	.....do	255 55	Do.
Mar. —	Washington	Commander E. Simpson	.....do	.....do	1 33	Do.
—	....do	.....do	.....do	.....do	52 00	Do.
—	New Bedford	C. R. Sherman, agent	.....do	.....do	18 00	Do.
April —	New York	Blunt & Co., agents	.....do	.....do	423 10	Do.
—	New Orleans	L. Frigerio, agent	.....do	.....do	34 47	Do.
May —	Washington	Commander E. Simpson	.....do	.....do	161 39	Do.
—	Baltimore	R. B. Larmon, agent	.....do	.....do	38 00	Do.
—	San Francisco	A. Roman & Co., agents	.....do	.....do	33 84	Do.
—	Washington	Commodore G. F. Emmons	.....do	.....do	13 95	Do.
—	New Orleans	Paymaster G. W. Brown	Condemned flags	Auction	10 00	Do.
June 17	New York	Captain J. W. A. Nicholson	Condemned stores	do	2,804 00	Do.
20	Baltimore	R. B. Sloan, agent	Hydrographic publications	Private	31 52	Do.

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Aug.		New York	D. Eggart & Sons, agents	Condemned stores	Auction	163 24	Do.
		do	H. M. Whitney, agent	do	Private	8 24	Do.
		do	Bliss & Co., agents	do	do	15 00	Do.
		Washington	Commodore G. F. Emmons	do	do	135 19	Do.
	30	Portsmouth, N. H	Paymaster C. F. Guild	do	do	50 00	Do.
Sept.	—	New Orleans	L. Frigerio, agent	do	do	3 00	Do.
	—	New York	Blunt & Co., agents	do	do	40 86	Do.
	—	San Francisco	A. Roman & Co., agents	do	do	368 32	Do.
Oct.	—	Washington	Commander E. Simpson	do	do	60 75	Do.
	—	do	Commodore G. F. Emmons	do	do	68 33	Do.
	—	New York	D. Eggart s Sons, agents	do	do	11 27	Do.
	24	do	Captain J. W. A. Nicholson	Condemned stores	Auction	4 88	Do.
Nov.	—	Boston	F. W. Lincoln & Co., agents	Hydrographic publications	Private	65 00	Do.
	—	New York	Blunt & Co., agents	do	do	872 52	Do.
	—	do	D. Eggart's Sons, agents	do	do	734 05	Do.
	—	do	Blunt & Co., agents	do	do	11 80	Do.
	—	do	Bliss & Co., agents	do	do	356 34	Do.
	—	Washington	Commander E. Simpson	do	do	11 20	Do.
	—	New Orleans	L. Frigerio, agent	do	do	53 33	Do.
	—	Washington	Captain G. B. Baulch	Stores		28 87	Do.
	—	Baltimore	F. I. Sloane, agent	Hydrographic publications	Private	11 60	Do.
	—	New Orleans	L. Frigerio, agent	do	do	45 96	Do.
	—	Washington	Captain R. H. Wyman	do	do	5 30	Do.
						13 33	Do.
1871.							
Mar.	—	Washington	Captain R. H. Wyman	do	do	10 57	Do.
	—	do	do	do	do	98 00	Do.
	—	New York	D. Eggert's Sons, agent	do	do	3 41	Do.
	—	Baltimore	F. I. Sloane, agent	do	do	10 34	Do.
	—	New Orleans	L. Frigerio, agent	do	do	24 25	Do.
	—	do	L. Frigerio, agent	do	do	76 32	Do.
	—	San Francisco	A. Roman & Co., agents	do	do	22 21	Do.
	—	Boston	F. W. Lincoln & Co., agents	do	do	178 77	Do.
	—	New Orleans	L. Frigerio, agent	do	do	51 84	Do.
May	8	New York	Captain J. W. A. Nicholson	Books	do	44 00	Do.
June	—	Baltimore	F. I. Sloane, agent	Hydrographic publications	do	19 33	Do.
	—	New Orleans	L. Frigerio, agent	do	do	48 87	Do.
July	—	San Francisco	Paymaster E. C. Doran	Stores	Auction	284 67	Do.
	—	do	do	do	do	31 66	Do.
	—	do	do	do	do	45 54	Do.
	—	New York	D. Eggart's Sons, agents	Hydrographic publications	Private	12 00	Do.
Sept.	4	Norfolk	Commander F. H. Baker	Oil barrels	Auction	6 98	Do.
Oct.	—	Washington	Captain R. H. Wyman	Hydrographic publications	Private	300 00	Do.
	—	New York	D. Eggart's Sons, agents	do	do	67 48	Do.
	—	New Orleans	L. Frigerio, agent	do	do	36 84	Do.
	—	San Francisco	A. Roman & Co., agents	do	do	26 38	Do.
	—	Baltimore	F. I. Sloane, agent	do	do	16 88	Do.
	—	Boston	F. W. Lincoln & Co., agents	do	do	200 00	Do.

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Sales of public property on account of appropriation "Navigation"—Continued.

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1871.						
Oct. —	New York	T. S. Negus & Co., agents	Hydrographic publications	Private	$500 00	United States Treasury.
Nov. —	Washington	Captain R. H. Wyman	do	do	500 00	Do.
—	New Orleans	L. Frigerio, agent	do	do	24 50	Do.
—	Boston	S. Thaxter & Sons, agents	do	do	21 00	Do.
—	Baltimore	F. I. Sloane, agent	do	do	33 74	Do.
—	San Francisco	A. Roman & Co., agents	do	do	39 73	Do.
—	New York	D. Eggart's Sons, agents	do	do	2 80	Do.
1872.						
Jan. —	Philadelphia	Paymaster A. M. Hieskell	Condemned stores	Auction	51 32	Do.
—	Washington	Captain R. H. Wyman	Hydrographic publications	Private	250 00	Do.
—	do	do	do	do	184 52	Do.
—	do	do	do	do	2 48	Do.
—	do	do	do	do	41 63	Do.
—	do	do	do	do	36 83	Do.
—	do	do	do	do	250 00	Do.
	Total				32,315 16	

Sales of public property on account of appropriation "Wind and current charts."

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1865.						
July —	New York	Commander J. B. Moeller	Publications	Private	$24 00	United States Treasury.
Aug. —						
Dec. —	do	Commander E. T. Nichols	do	do	33 82	Do.
1866.						
Jan. —	Boston	W. A. Lincoln & Co., agents	do	do	48 00	Do.
—	New York	Commander E. T. Nichols	do	do	21 86	Do.
Feb. —	Washington	T. Harrison	do	do	4 00	Do.
—	New York	Commander E. T. Nichols	do	do	22 90	Do.
Mar. —	do	do	do	do	50 94	Do.
April —	do	E. W. Matthews	do	do	4 00	Do.
—	Washington	T. Harrison	do	do	4 00	Do.
May 16	Boston	E. W. Lincoln & Co., agents	do	do	48 00	Do.
June	Washington	J. Markter	do	do	20 94	Do.
	New York	Commander E. T. Nichols	do	do	15 80	Do.

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Aug	do	do	do	do	51 84	Do.
	New York	Commander E. T. Nichols	do	do	0 60	Do.
			do	do	25 58	Do.
	Total				387 74	

Sales of public property on account of appropriation "La Plata charts."

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1866.						
Feb. —	Washington	Rear-Admiral C. H. Davis	Charts	Private	$105 00	United States Treasury.

Sale of public property on account of appropriation "Naval Observatory."

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1866.						
Feb. 17	Washington	Rear-Admiral C. H. Davis	Meridian circle	Private	$800 00	United States Treasury.
1867.						
July —	do	Paymaster C. C. Jackson	Horse, harness, &c.	Auction	167 12	Do.
	Total				967 12	

Sales of public property on account of appropriation "Nautical Almanac."

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1865.						
May —	Cambridge	Professor J. Winlock	Publications	Private	$503 10	United States Treasury.
1866.						
Sept. 29	Washington	Professor J. H. C. Coffin	do	do	1,008 08	Do.
	Boston	F. W. Lincoln & Co.	do	do	220 00	Do.
Dec. 12	Washington	Professor J. H. C. Coffin	do	do	1,387 16	Do.
19	Boston	do	Old plates	do	618 93	Do.
Nov. 30	do	do	Old almanacs, &c.	do	180 82	Do.

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Sales of public property on account of appropriation "Nautical Almanac"—Continued.

Date.	Place.	Officer making sale.	Kind of property.	Manner of sale.	Proceeds.	Disposition of proceeds.
1867.						
Jan. 18	Washington	Professor J. H. C. Coffin	Publications	Private	$1,873 00	United States Treasury.
April 9	....do	....do	....do	....do	180 88	Do.
10	....do	....do	....do	....do	877 75	Do.
June 4	....do	....do	....do	....do	500 00	Do.
July 31	....do	....do	....do	....do	547 04	Do.
Dec. 11	....do	....do	....do	....do	727 12	Do.
17	....do	....do	....do	....do	1,000 00	Do.
1868.						
Jan. 11	....do	....do	....do	....do	635 33	Do.
Mar. 2	....do	....do	....do	....do	61 04	Do.
14	....do	....do	....do	....do	562 47	Do.
April 23	....do	....do	....do	....do	161 68	Do.
27	....do	....do	....do	....do	100 00	Do.
July 9	....do	....do	....do	....do	298 55	Do.
Oct. 27	....do	....do	....do	....do	224 54	Do.
28	....do	....do	....do	....do	436 33	Do.
1869.						
Jan. 9	....do	....do	....do	....do	79 54	Do.
30	....do	....do	....do	....do	719 18	Do.
April 1	....do	....do	....do	....do	157 88	Do.
3	Boston	Thaxter & Son, agents	....do	....do	60 60	Do.
30	Washington	Professor J. H. C. Coffin	....do	....do	415 74	Do.
July 3	Boston	S. Thaxter & Son, agents	....do	....do	44 00	Do.
5	Washington	Professor J. H. C. Coffin	....do	....do	53 00	Do.
20	....do	....do	....do	....do	319 47	Do.
Sept. 30	....do	....do	....do	....do	147 47	Do.
Oct. 5	Boston	S. Thaxter & Son, agents	....do	....do	85 00	Do.
9	Washington	Professor J. H. C. Coffin	....do	....do	286 30	Do.
29	....do	....do	....do	....do	146 50	Do.
1870.						
Jan. 4	Boston	Thaxter & Son, agents	....do	....do	100 00	Do.
6	Washington	Professor J. H. C. Coffin	....do	....do	160 81	Do.
8	....do	....do	....do	....do	550 56	Do.
Feb. 16	....do	....do	....do	....do	81 27	Do.
Mar. 7	....do	....do	....do	....do	63 00	Do.
April 4	Boston	Thaxter & Son, agents	....do	....do	127 67	Do.
July 2	Washington	Professor J. H. C. Coffin	....do	....do	381 20	Do.
4	Boston	Thaxter & Son, agents	....do	....do	41 17	Do.
19	Washington	Professor J. H. C. Coffin	....do	....do	216 00	Do.
Oct. 3	Boston	Thaxter & Son, agents	....do	....do	44 50	Do.
9	New Orleans	L. Fitzgelo, agent	....do	....do	51 84	Do.
Nov. 3	Washington	Professor J. H. C. Coffin	....do	....do	90 01	Do.
1871.						
Jan. 5	Boston	Thaxter & Son, agents	....do	....do	124 30	Do.

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28.	Washington	Professor J. H. C. Coffin	do				Do.
30.	New York	L. Frigerio, agent	do				Do.
April 1	Boston	Thaxter & Son, agents	do				Do.
6	Washington	Professor J. H. C. Coffin	do				Do.
5	do	do	do				Do.
July 7	Boston	Thaxter & Son, agents	do				Do.
14	San Francisco	Roman & Co., agents	do				Do.
Sept. 1	New York	Negus & Co., agents	do				Do.
9	Washington	Professor J. H. C. Coffin	do				Do.
26	do	do	do				Do.
Oct. 5	Boston	Thaxter & Son, agents	do				Do.
16	San Francisco	Roman & Co., agents	do				Do.
Nov. 7	New York	Negus & Co., agents	do				Do.
11	New Orleans	L. Frigerio, agent	do				Do.
1872.							
Jan. 4	Boston	Thaxter & Son, agents	do			174 40	Do.
8	New York	Eggert's Sons	do			10 00	Do.
8	do	Negus & Co., agents	do			150 00	Do.
	Washington	Professor J. H. C. Coffin	do			36 16	Do.
23	San Francisco	Roman & Co., agents	do			117 70	Do.
	Total					18,554 88	

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RECAPITULATION.

Proceeds from sales of public property on account of appropriations under the cognizance of the Bureau of Navigation since June 30, 1865.

Appropriations.	Amounts.
Navigation	$32,315 16
Wind and current charts	3[illegible]7 74
La Plata charts	105 00
Naval Observatory	966 12
Nautical almanac	18,554 [illegible]
Total	52,329 9[illegible]

APPENDIX B.

Summary Statement showing the balances or deficiencies under the several appropriations named below on June 30, 1865; the total sums appropriated for the six fiscal years from July 1, 1865, to June 30, 1871; the total transfers in settling paymasters' accounts at the office of the Fourth Auditor, and the total sales made during the same period, and down to January 31, 1872; the total expenditures and amounts refunded during the same period, and down to January 31, 1872; and the balances still remaining on the 31st January, 1872.

	Navigation.	Wind and current charts.	La Plata charts.	Naval Observatory.	Nautical Almanac.
Balances June 30, 1865	$25 14	$11,333 64	$3,532 75	$18,121 20	*$1,[illegible]
Appropriations for the six fiscal years, from July 1, 1865, to June 30, 1871	1,378,126 00	.....	.....	123,900 00	125,[illegible]
Transfers, to settle accounts in office of Fourth Auditor	33,315 02	4,291 49	192 01	16,481 47	13,[illegible]
Sales	32,315 16	387 74	105 00	957 12	18,[illegible]
Totals available under respective heads	1,443,781 32	16,012 87	3,829 76	159,469 79	158,[illegible]
Expenditures, direct	1,013,789 27	8,128 51	3,705 00	147,229 09	136,[illegible]
Transfers to settle accounts in office of Fourth Auditor	138,776 62	2,256 45	124 76	2,951 99	18,[illegible]
Amounts refunded, special	†250,000 00	‡5,627 91	.....	.....	.....
Amounts refunded, proceeds of sales since June 5, 1871	1,633 65	.....	.....	.....	[illegible]
Totals expended under different heads	1,404,199 54	16,012 87	3,829 76	150,181 08	155,[illegible]
Balances January 31, 1872	39,581 78	.....	.....	9,288 71	2,[illegible]

* Deficit.
† Covered into Treasury as per act of Congress of February 24, 1870.
‡ Transferred to surplus fund.

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E.

NAVY DEPARTMENT,
BUREAU OF MEDICINE AND SURGERY,
March 4, 1872.

SIR: In reply to your indorsement of the 15th ultimo, I beg to inform you that the sales of condemned medical stores, appliances, &c., coming under the cognizance of this Bureau since June 30, 1865, realized, in the aggregate, the sum of $3,746 17, and were as follows:

Date.	Station.	By whom.	Appropriation.	Class of condemned stores.	Amount.
Aug., 1865	Naval hospital, Chelsea.	Surgeon Gilchrist	Naval hospital, Chelsea, Mass.	Hospital stores	*$528 24
Aug., 1865	Cairo, Ill.	Paymaster Frailey	Surgeon's necessaries.	Medicines, &c	193 00
Jan., 1866	Mound City, Ill.	Paymaster Spalding	do	do	2,517 95
April, 1867	Annapolis, Md.	Paymaster Gulick	do	do	35 82
April, 1867	do	do	do	Bottles	32 34
Aug., 1868	Naval hospital, Pensacola.	Paymaster Eldredge	do	Horse	135 00
Oct., 1868	Mound City	Paymaster Frailey	do	Medical stores	212 47
April, 1869	Annapolis	Paymaster Gulick	Hospital, Annapolis.	do	*7 10
May, 1871	Mare Island	Paymaster Spalding	Hospital, Mare Island.	Furniture	*80 25
Dec., 1871	New York	Paymaster Eldredge	Surgeon's necessaries.	Bottles	4 00
	Total				3,746 17

All the above-named sums were deposited in the Treasury by the respective officers mentioned. The sums marked thus (*) were used by the Bureau for repairing the respective naval hospitals to whose appropriations they belonged; the other amounts, under appropriation "Surgeon's necessaries and appliances," remain in the Treasury unexpended.

Very respectfully,

J. M. FOLTZ,
Surgeon General U. S. Navy and Chief of Bureau.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

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F.

List of stores sold under the cognizance of the Bureau of Provisions and Clothing, and the disposition of the proceeds.

Date of sale.	By whom sold.	Provisions.	Clothing.	Small stores	Contingent.	Station.	How sold.	Disposition.	When.	Where.
Aug. 14 1865	R. H. Clark	$754 50	$596 99	$77 50	$6 65	Boston	Auction	Deposited	Aug. 24, 1865	Assistant Treasurer, Boston.
Aug. 23, 1865	J. C. Eldredge	2,668 04	2,130 50	849 23		New York	do	do	Aug. 29, 1865	Asst. Treasurer, New York.
Sept. 1, 1865	R. H. Clark	952 81	1,426 85	109 31	15 20	Boston	do	do	Sept. —, 1865	Assistant Treasurer, Boston.
Sept. 2, 1865	C. J. Emery	203 81	389 47	285 42	24 46	Portsmouth	do	do	Nov. 7, 1865	Do.
Sept. 13, 1865	A. E. Watson	5,230 62				Philadelphia	do	do	Sept. 26, 1865	Asst. Treasurer, Philadelphia.
Oct. 7, 1865 Nov. 1, 1865	S. S. Wood, jr	386 79				Beaufort, N. C	do	do	May 1, 1866	Asst. Treasurer, New York.
Oct. 12, 1865 Oct. 17, 1865	do				28 50	do	do	do	May 1, 1866	Do.
Oct. 12, 1865	C. C. Upham	286 48				Port Royal	do	do		With Acting Assistant Paymaster R. W. Allen, and retained by him.
Nov. 10, 1865	A. E. Watson	820 89	2,435 88	779 11	191 68	Philadelphia	do	do	Nov. 30, 1865	Asst. Treasurer, Philadelphia.
Nov. 14, 1865	R. C. Spalding	292 94				Mound City	do	do	Nov. —, 1865	First National Bank, Cairo.
Nov. 15, 1865	R. H. Clark	5,099 88	1,700 48	259 54	96 43	Boston	do	do	Dec. 12, 1865	Assistant Treasurer, Boston.
Nov. 21, 1865	R. C. Spalding		591 60	8 40		Mound City	do	do	Nov. 24, 1865	First National Bank, Cairo.
Nov. 27, 1865	Charles Murray	36 70		14 80	4 40	Panama	do	do		With Fleet Paymaster Rittenhouse, and retained by him.
Nov. 30, 1865	A. E. Watson		17 14			Philadelphia	do	do	Dec. 26, 1865	Asst. Treasurer, Philadelphia.
Dec. 1, 1865 Dec. 14, 1865	E. T. Dunn	36 56	2 21			Baltimore	do	do		With designated depositary at Baltimore.
Dec. 27, 1865	R. H. Clark	1,654 14	28 27	122 45		Boston	do	do	Jan. 8, 1866	Assistant Treasurer, Boston.
Dec. 27, 1865	F. C. Crosby				60 83	Baltimore	do	do		With designated depositary at Baltimore.
Dec. —, 1865 Jan. 2, 1866	James Fulton	1,208 03				Washington	do	do	Jan. 5, 1866	First National Bank, Wash.
Jan. 4, 1866 Jan. 13, 1865 Jan. 22, 1865	J. D. Gibson		157,062 25	13,236 98		New York	do	do	Jan. 12, 1866	Asst. Treasurer, New York.
Feb. 1, 1866	do		647 50			do	do	do	April 4, 1866	Do.
Mar. 15, 1866	do	8,364 36	8,408 07	3,526 15		do	do	do	April 4, 1866	Do.
Mar. 20, 1866 May 5, 1866	C. C. Jackson	1,223 16	495 16	277 33	138 24	Washington	do	do	May 23, 1866	United States Treasury.
Mar. 28, 1866	R. H. Clark	224 48	19 05	135 42	17 52	Boston	do	do	Mar. 30, 1866	Assistant Treasurer, Boston.
May 25, 1866	C. P. Wallach	201 05	244 52	210 35		Mound City	do	do	Mar. 31, 1866	City National Bank, Cairo, Ill.
Mar. 9, 1866	W. H. H. Williams	15 00				do	Private sale	do	Mar. 24, 1866	City National Bank, Cairo.
July 18, 1866	R. H. Clark	323 97	1,163 37	1,236 00	3 33	Boston	Auction	do		Assistant Treasurer, Boston.
Aug. 15, 1866	J. D. Gibson	5,922 80	10,022 62	900 87	415 35	New York	do	do	Sept. 14, 1866	Asst. Treasurer, New York.
Sept. 26, 1866	A. H. Calhoun	540 94		9 50		Portsmouth	do	do	Oct. 24, 1866	Assistant Treasurer, Boston.
Nov. 16, 1866	A. E. Watson	825 42	3,980 54	314 53	191 52	Philadelphia	do	do	Dec. 1, 1866	Asst. Treasurer, Philadelphia.
Dec. 27, 1866	J. D. Gibson	3,424 08	5,401 05	324 11	7 07	New York	do	do	Jan. 25, 1867	Asst. Treasurer, New York.

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Jan. 22, 1867	A. H. Gilman	301 42											Assistant Treasurer, Boston.
Jan. 24, 1867	J. D. Gilman	1 00											Do.
Feb. 5, 1867	A. H. Gilman	1 00											Asst. Treasurer, New York.
Feb. 26, 1867	A. Mc. Bishop	1 00											Do.
Mar. 1, 1867	R. H. Clark	499 01	259 95	1 50									Do.
June 27, 1867	C. P. Wallach	117 52		392 75									Assistant Treasurer, Boston.
July 1, 1867	J. N. Carpenter	254 15	186 73										City National Bank, Cairo.
Aug. 26, 1867	C. W. Hassler	11,036 11	7,911 67	26 13									Assistant Treasurer, Boston.
Sept. 11, 1867	C. C. Jackson	544 67	408 61	3,811 46	199 60								Asst. Treasurer, New York.
Sept. 12, 1867	R. H. Clark	45 81	29 57	957 13	37 32								United States Treasury.
Oct. 21, 1867	A. H. Gilman	772 90	407 37	2 26									Assistant Treasurer, Boston.
Oct. 21, 1867	C. H. Eldredge	5 12		73 72									Do.
Nov. 6, 1867	H. M. Heiskell	1,290 06	715 74	265 55	64 10								Asst. Treasurer, New Orleans.
Nov. 21, 1867	C. H. Eldredge	268 88											Asst. Treasurer, Philadelphia.
Jan. 22, 1868	C. P. Wallach				6 15								Asst. Treasurer, New Orleans.
Feb. 3, 1868	J. S. Cunningham	45 81	29 57	2 26	30 00								City National Bank, Cairo.
Mar. 18, 1868	J. B. Rittenhouse	372 72	216 11	73 72	10 02								Asst. Treasurer, Washington.
Mar. 18, 1868	H. M. Heiskell		18 67										U.S. Treasury, Washington.
Mar. 25, 1868	T. T. Caswell	734 18	139 30	49 95	321 65								Assistant Treasurer, Boston.
April 30, 1868	W. R. Winslow	5 67											Asst. Treasurer, Philadelphia.
June 4, 1868	C. H. Eldredge	105 79	129 69	3 89									Exchange Nat'l Bank, Norfolk.
June 26, 1868	J. B. Rittenhouse	1,502 74	23 55	720 56									Assistant Treasurer, Boston.
June 30, 1868	C. W. Hassler	16,342 15	34,351 46	96,335 96	463 86								Asst. Treasurer, New York.
July 14, 1868	W. B. Boggs		221 15	274 22	90 91								Asst. Treasurer, Philadelphia.
July 13, 1868	C. H. Eldredge	59 52											Asst. Treasurer, New Orleans.
July 15, 1868	J. S. Cunningham	45 99	18 03		3 09								City National Bank, Cairo.
July 16, 1868	W. R. Winslow	136 58	37 15	8 71	15 87								Asst. Treasurer, Washington.
July 23, 1868	J. B. Rittenhouse	960 19	334 24	350 52									U.S. Treasury, Washington.
Aug. 19, 1868	A. H. Gilman	1,261 90	3,259 22	419 42									Exchange Nat'l Bank, Norfolk.
Sept. 15, 1868	J. B. Rittenhouse	341 87											Assistant Treasurer, Boston.
Oct. 19, 1868	W. R. Winslow	439 50	62 76	119 40									Do.
Nov. 16, 1868	H. L. Wait	411 95											Do.
Nov. 16, 1868	do	321 75											Asst. Treasurer, New Orleans.
Dec. 5, 1868	W. R. Winslow	115 95		76 95									Do.
Dec. 12, 1868	A. H. Gilman	381 23	235 26	8 73									Exchange Nat'l Bank, Norfolk.
Dec. —, 1868	W. G. Marcy	2,511 02	322 44	1,672 27	2 00								Exchange Nat'l Bank, Norfolk.
Jan. 13, 1869	W. R. Winslow	102 22	10,764 91	38 62	30 75								Asst. Treasurer, Boston.
Jan. 16, 1869	A. W. Russell	270 78	137 55										Asst. Treasurer, San Francisco.
Jan. 20, 1869	J. B. Rittenhouse	1,001 99											Exchange Nat'l Bank, Norfolk.
Feb. 2, 1869	H. L. Wait	511 78	284 00	1,363 09									Do.
													Assistant Treasurer, Boston.
													Do.
													Bill of exchange on Bank of America, at New York.
Feb. 13, 1869	A. H. Gilman	681 11	168 65	413 21		Portsmouth	Auction	do			Mar. 10, 1869		Asst. Treasurer, Boston.
Feb. 15, 1869	H. L. Wait	442 25				Pensacola	do	do			Mar. 1, 1869		Asst. Treasurer, New Orleans.
Feb. 25, 1869	J. H. Watmough	13,747 60	8,193 14	1,345 84	725 25	New York	do	do			Mar. 11, 1869		Asst. Treasurer, New York.
Mar. 22, 1869	A. W. Russell	226 74	103 70	153 33		Washington	do	do			April 8, 1869		U. S. Treasury, Washington.
April 9, 1869	T. C. Master	476 44	260 26	10 80		Norfolk	do	do			April 26, 1869		Exchange Nat'l Bank, Norfolk.
May 24, 1869	J. B. Rittenhouse	528 53	1,598 66	174 86	36 90	Boston	do	do			May 31, 1869		Assistant Treasurer, Boston.
June 2, 1869	W. N. Watmough	900 09	761 20	76 67	42 36	Philadelphia	do	do			June 28, 1869		Asst. Treasurer, Philadelphia.
June 4, 1869	J. H. Watmough	17,648 84	2,784 22	1,418 00	15 27	New York	do	do			July 15, 1869		Asst. Treasurer, New York.
June 23, 1869	J. G. Harris	372 98				Boston	do	do			July 7, 1869		Assistant Treasurer, Boston.

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List of stores sold under the cognizance of the Bureau of Provisions and Clothing, &c.—Continued.

Date of sale.	By whom sold.	Provisions.	Clothing.	Small stores.	Contingent.	Station.	How sold.	Disposition.	When.	Where.
Aug. 5, 1869	H. L. Wait	$621 00				Pensacola	Auction	Deposited	Aug. 28, 1869	Asst. Treasurer, New Orleans.
Sept. 6, 1869	do	90 45				do	do	do	Oct. 1, 1869	Do.
Sept. 22, 1869	J. B. Rittenhouse	414 78	$1,060 26	$55 33	$29 05	Philadelphia	do	do	Oct. 18, 1869	Asst. Treasurer, Philadelphia.
Oct. 4, 1869	A. E. Watson	3,071 64	686 07	65 87	12 21	Portsmouth	do	do	Oct. 12, 1869	Assistant Treasurer, Boston.
Oct. 15, 1869	J. G. Harris	649 12	363 86	32 97		Boston	do	do	Nov. 16, 1869	Do.
Nov. 22, 1869	L. A. Frailey	216 20	1,842 56	214 65		Mound City	do	do	Jan. 20, 1870	Asst. Treasurer, Saint Louis.
Nov. 24, 1869	J. G. Harris	219 41				Boston	do	do	Dec. 2, 1869	Assistant Treasurer, Boston.
Nov. 24, 1869	C. J. Emery	6,939 23	8,117 81	48 42		New York	do	do	Dec. 4, 1869	Asst. Treasurer, New York.
Nov. 25, 1869	W. N. Watmough	558 90	1,402 91			Norfolk	do	do	Dec. 4, 1869	Exchange Nat'l Bank, Norfolk
Dec. 27, 1869	D. A. Smith	225 53	162 31	13 20		Pensacola	do	do	Jan. 10, 1870	Asst. Treasurer, New Orleans.
Dec. 28-9, 1869	A. W. Russell	1,030 74	435 26	99 92		Washington	do	do	Jan. 29, 1870	U. S. Treasurer, Washington.
Feb. 4, 1870	W. N. Watmough	441 37				Norfolk	do	do	Feb. 8, 1870	Exchange Nat'l Bank, Norfolk.
Feb. 11, 1870	George F. Cutter	97 27	811 15	98		Boston	do	do	Mar. 4, 1870	Assistant Treasurer, Boston.
Feb. 23, 1870	J. B. Rittenhouse	603 91	3,375 02	224 60	208 54	Philadelphia	do	do	Mar. 14, 1870	Asst. Treasurer, Philadelphia.
Mar. 1, 1870	A. E. Watson	777 36	351 04	41 88	4 45	Portsmouth	do	do	Mar. 4, 1870	Assistant Treasurer, Boston.
Mar. 16, 1870	G. F. Cutter		2,333 22			Boston	do	do	Mar. 25, 1870	Do.
Mar. 29, 1870	L. A. Frailey	730 27	1,533 31	181 31	128 78	Mound City	do	do	April 28, 1870	Asst. Treasurer, Saint Louis.
April 4, 1870	do		106 17	591 73	24 70	do	do	do	April 28, 1870	Do.
April 29, 1870	W. N. Watmough	214 56	37 72	141 72	4 71	Norfolk	do	do	May 7, 1870	Exchange Nat'l Bank, Norfolk.
May 4, 1870	E. C. Doran	287 32	210 37	79 09	8 15	Mare Island	do	do	June 30, 1870	Asst. Treasurer, San Francisco.
July 18, 1870	W. N. Watmough	241 03	39 54	6 26		Norfolk	do	do	July 26, 1870	Exchange Nat'l Bank, Norfolk.
July 19, 1870	C. J. Emery			1,306 42		New York	Private sale	do	Aug. 29, 1870	Asst. Treasurer, New York.
Aug. 20, 1870	W. N. Watmough	323 35	120 19	11 00		Norfolk	Auction	do	Aug. 26, 1870	Exchange Nat'l Bank, Norfolk.
Aug. 25, 1870	A. W. Russell	3 60	384 19	4 80	14 00	Washington	do	do	Oct. 8, 1870	U. S. Treasurer, Washington.
Sept. 13, 1870	C. J. Emery	5,841 93	5,295 79	435 02	1 23	New York	do	do	Oct. 22, 1870	Asst. Treasurer, New York.
Sept. 21, 1870	G. F. Cuttter	566 27	698 13	265 60		Boston	do	do	Nov. 15, 1870	Assistant Treasurer, Boston.
Oct. 5, 1870	R. H. Clark	475 23	867 72	14 32	144 78	Philadelphia	do	do	Oct. 27, 1870	Asst. Treasurer, Philadelphia.
Oct. 19, 1870	W. N. Watmough	741 63	457 09	24 72		Norfolk	do	do	Oct. 25, 1870	Exchange Nat'l Bank, Norfolk.
Oct. 29, 1870	J. G. Harris	96 75	3 10			Boston	do	do	Nov. 2, 1870	Assistant Treasurer, Boston.
Dec. 7, 1870	George F. Cutter	198 73	990 83	4 93		do	do	do	Dec. 23, 1870	Do.
Dec. 12, 1870	D. A. Smith	126 20	107 08	13 21		Pensacola	do	do	Jan. 3, 1871	Asst. Treasurer, New Orleans.
Feb. —, 1871	W. B. Boggs	60 21	111 52	28 43		Washington	do	do	Feb. 9, 1871	U. S. Treasurer, Washington.
Mar. 2, 1871	W. N. Watmough	258 25				Norfolk	do	do	Mar. 8, 1871	Exchange Nat'l Bank, Norfolk.
Mar. 8, 1871	George F. Cutter	186 01	1,091 39			Boston	do	do	Mar. 20, 1871	Assistant Treasurer, Boston.
Mar. 21, 1871	J. G. Harris	243 72		5 19	2 09	Portsmouth	do	do	Mar. 23, 1871	Do.
Mar. 22, 1871	R. H. Clark	12 55	6 89			Philadelphia	do	do	April 5, 1871	Asst. Treasurer, Philadelphia.
April 17, 1871	E. C. Doran	379 14	893 15	60 05	25 51	Mare Island	do	do	May 30, 1871	Asst. Treasurer, San Francisco.
April —, 1871	C. J. Emery	2,743 31	2,795 10	4,371 92	79	New York	do	do	June 19, 1871	Asst. Treasurer, New York.
July 26, 1871	W. C. Boggs	303 30	51 99	29 75	10 35	Washington	do	do	Aug. 17, 1871	U. S. Treasurer, Washington.
Aug. 5, 1871	J. G. Harris	245 94				Portsmouth	do	do	Aug. 24, 1871	Assistant Treasurer, Boston.
Aug. 16, 1871	R. H. Clark	216 77			14 56	Philadelphia	do	do	Sept. 7, 1871	Asst. Treasurer, Philadelphia.
Aug. 18, 1871	George F. Cutter	50 67	110 37	4 04	7 14	Boston	do	do	Sept. 20, 1871	Assistant Treasurer, Boston.
Sept. 4, 1871	W. N. Watmough	78 71	179 56	5 05	80	Norfolk	do	do	Sept 19, 1871	Exchange Nat'l Bank, Norfolk.
Oct. 17, 1871	D. A. Smith	104 17	298 01			Pensacola	do	do	Nov. 6, 1871	Asst. Treasurer, New Orleans.
Nov. 4, 1871	R. H. Clark	148 93	41 25	9 40		Philadelphia	do	do	Jan. 3, 1872	Asst. Treasurer, Philadelphia.

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[illegible]	[illegible]	[illegible]	6923 47	7,517 86	67 50	68 80	Boston	do	do	[illegible]	Assistant Treasurer, Boston.
Dec. 2,	1871	George F. Morrill	387 42	6960 36	135 44	15 00	Mare Island	do	do	Jan. 8, 1872	Asst. Treasurer, San Francisco.
Nov. 20,	1865	H. C. Spalding		501 60	8 40		Mound City	do	do	Nov. 24, 1865	At Cairo.
Nov. 10,	1865	A. E. Watson	820 80	2,435 88	779 11	191 68	Philadelphia	do	do	Nov. 30, 1865	Asst. Treasurer, Philadelphia.
Dec. —,	1865	James Fulton				30 00	Washington	do	do	April 6, 1866	First Nat'l Bank, Washington.
		S. S. Wood	454 98				Beaufort	do	do	May 1, 1866	
May 25,	1866	C. P. Wallach	201 05	244 52	210 15		Mound City	do	do	May 26, 1866	
May 28,	1866	A. H. Gilman	45 88				Portsmouth	do	do	July 30, 1866	
April —,	1867	J. O. Bradford	1,200 00				New York	do	do	April 9, 1867	Asst. Treasurer, New York.
Nov. 16,	1868	J. S. Cunningham	1,558 12				do	do	do	April 19, 1869	Do.
Nov. —,	1869	W. N. Watmough	195 00				Norfolk	do	do	Nov. 24, 1869	Exchange Nat'l Bank, Norfolk.
April —,	1870	J. B. Rittenhouse	97 40				Philadelphia	do	do	April 28, 1870	Asst. Treasurer, Philadelphia.
May —,	1870	W. N. Watmough	27 60				Norfolk	do	do	May 9, 1870	Exchange Nat'l Bank, Norfolk.
May —,	1870	A. E. Watson	100 00				Portsmouth	do	do	June 18, 1870	Assistant Treasurer, Boston.
June —,	1870	W. N. Watmough	21 00				Norfolk	do	do	July 2, 1870	Exchange Nat'l Bank, Norfolk.
Mar. —,	1871	C. F. Guild				120 00	Portsmouth	do	do	April 1, 1871	Assistant Treasurer, Boston.
Dec. —,	1871	E. C. Doran	46 31				San Francisco	do	do	Jan. 2, 1872	At San Francisco.
Mar. 24,	1868	Ed. Putnam	79 66				Saint Paul de Loando	do	do	May 22, 1868	Asst. Treasurer, Philadelphia.
Jan. —,	1862	R. C. Parsons	4,206 76	36 30	188 79	451 76	Rio de Janeiro	do	do	April 22, 1865	Merchants' National Bank, Cleveland.
July 5,	1866	W. B. Boggs				15 00	Washington	Private sale[a]	do	Mar. 8, 1869	United States Treasury.
May —,	1867	R. H. Clark		160 00			Boston	Lost in transit.	do	May 20, 1867	Assistant Treasurer, Boston.

[a] To Assistant Secretary of the Navy

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Amounts retained and accounted for in the settlement of paymasters' accounts.

Date of sale.	By whom sold.	Provisions.	Clothing.	Small-stores.	Contingent.	Station.	How sold.	Disposition.	
June 13 and July 1, 1865	C. C. Jackson	$160 76	$356 45	$2 00	$16 25	Mound City	Auction	Retained	By Paymaster Jackson.
July 14, 1865	do	20 25	50 07	35	2 50	do	do	do	Do.
July 26, 1865	W. L. Long	625 62				Spezzia	do	do	
Aug. 8, 1865	W. C. Cook	3,158 00		92 39		New Orleans	do	do	
Aug. 12, 1865	G. E. Thornton	838 77	245 51	21 65		Norfolk	do	do	
Aug. 17, 1865	E. C. Doran	530 11	268 13	179 79		Mare Island	do	do	
Aug. 19, 1865	H. H. Pangborn	65 79				Pensacola	do	do	
Sept. 2, 1865	C. J. Emery				1 0 10	Portsmouth	do	do	
Sept. 6, 1865	H. H. Pangborn	66 83				Pensacola	do	do	
Sept. 9 and 22, 1865	Charles Murray	149 19	8 00	48 56		Panama	do	do	
Sept. 14, 1865	H. H. Pangborn	277 56		17 32		Mobile	do	do	Captured from rebels.
Sept. 29, 1865	C. C. Jackson	216 50	1,075 77	158 00	72 00	Mound City	do	do	
Sept. 30, 1865	W. C. Cook	458 07		216 19		New Orleans	do	do	
Oct. 9, 1865	H. H. Pangborn	45 12				Pensacola	do	do	
Nov. 30, 1865	do	695 40				do	do	do	
Dec. 4, 1865	Charles Murray				10 00	Panama	Private sale	do	
Dec. 31, 1865	L. T. Chamberlain	27 88	20 22			"Fredonia"	Auction	do	
Feb. 2, 1866	J. J. Philbrick	52 63				Key West	do	do	
Feb. 8 and 22, 1866	Charles Murray	30 60			15 00	Panama	do	do	
Feb. 24, 1866	W. L. Long	21 43			5 35	Spezzia	do	do	
Mar. —, 1866	H. H. Pangborn	269 56				Pensacola	do	do	
Mar. 10, 1866	J. J. Philbrick	504 40		516 42		Key West	do	do	
April 5, 1866	G. E. Thornton	238 84	144 61	84 67		Norfolk	do	do	
May 28, 1866	A. H. Gilman	45 88		7 17	25 28	Portsmouth	do	do	
June 13, 1866	G. E. Thornton	150 93	39 22			Norfolk	do	do	
May 23, 1866	E. C. Doran	594 93	270 87	111 82	8 21	Mare Island	do	do	
Cruise June, 1861, to Sept., 1865	J. M. Wade		42 00			"Jamestown"		do	
Cruise Jan., 1862, to Jan., 1865	J. S. Post	21 50				"St. Louis"		do	
Cruise Mar., 1863, to Oct., 1865	W. F. Keeler	8 60				"Florida"		do	
Cruise July, 1863, to Aug., 1865	C. P. Wallach	26 44				"Powhatan"		do	
Cruise Sept., 1863, to Aug., 1865	E. A. Chadwick		47 84	5 56		"New London"		do	
Cruise Nov., 1863, to Nov., 1865	W. S. Blunt	130 84	174 61			"Saranac"		do	
Cruise Jan., 1864, to Aug., 1865	H. M. Harriman	77 67				"Metacomet"		do	
Cruise Jan., 1864, to Sept., 1865	J. P. Woodbury		42 11			"Sacramento"		do	
Cruise May, 1864, to Oct., 1865	W. H. H. Williams	12 20				"Niagara"		do	
Cruise Aug., 1865, to Dec., 1865	C. D. Collom	25 45				"Hetzel"		do	
Mar 28, 1866	H. L. Wait	114 24		260 27		"Ino"	Auction	do	
Feb 24 to Mar. 31, 1866	J. Q. Barton	1,940 08				"Relief"	do	do	
April 6 to June 28, 1866	Charles Murray	11 40	3 15			Panama	do	do	
May 28, 1866	H. M. Harriman	745 11				"Onward"	do	do	
May 31, 1866	L. N. Allen	11 00	10 00	1 00		Port Royal	do	do	
May 28, 1866	H. H. Pangborn	453 61				Pensacola	do	do	

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Aug. [illegible], 1866	C. J. Thornton	57 [illegible]	[illegible]	[illegible]		Norfolk	do	do	By Paymaster R. Washington.
Sept. [illegible], 1866	H. L. Watt	44 [illegible]				Iuo	do	do	
	E. C. Doran	55 53	38 04	223 20		San Francisco	do	do	
Oct. 10, 1866	A. S. Kenney	51 66				St. Paul de Loando	Private sale	do	
Oct. 16, 1866	C. H. Eldredge	201 40				Pensacola	Auction	do	
Oct. 24, 1866	G. E. Thornton	178 50	111 00	64 80		Norfolk	do	do	
Oct. 27, 1866	Charles Murray	363 68				Pensacola	do	do	
Nov. 9, 1866	C. H. Eldredge	363 68				do	do	do	
Nov. 30, 1866	G. E. Thornton	73 90	296 62	90 11	18 07	Norfolk	do	do	
Dec. 27, 1866	C. H. Eldredge	227 52				Pensacola	do	do	
Jan. 2, 1867	G. E. Thornton	13 84	62 86	2 63		Norfolk	do	do	Do.
Feb. 20, 1867	C. S. Perley	101 35	78 82	3 55	197 65	do	do	do	Do.
Mar. 7, 1867	C. H. Eldredge	18 41	98 95	56		Pensacola	do	do	
Mar. 23, 1867	C. S. Perley	108 00				Norfolk	do	do	Do.
First quarter, 1867	A. S. Kenney	66 09				St. Paul de Loando	do	do	
April 18, 1867	C. J. Emery	564 10	54 59	1,157 31		Hong Kong	do	do	
April 24, 1867	C. S. Perley	1,202 15	204 98	124 41		Norfolk	do	do	
April 30, 1867	C. H. Eldredge	16 84				Pensacola	do	do	
June 15, 1867	A. S. Kenney	52 27				St. Paul de Loando	Private sale	do	
June 30, 1867	H. M. Denniston	111 83				Rio de Janeiro	Auction	do	
May 8, 1867	E. C. Doran	355 16	608 64	165 97		San Francisco	do	do	
May 29, 1867	C. H. Eldredge	70	13 48			Pensacola	do	do	
June 26, 1867	C. S. Perley	179 50	95 55	291 22		Norfolk	do	do	Do.
Aug. 14 and 23, 1867	C. H. Eldredge	34 55				Pensacola	do	do	
Sept. 10, 1867	H. M. Denniston	33 80				"Guerriere"	do	do	
Nov. 15, 1867	C. S. Perley	81 19	66 86		58 60	Norfolk	do	do	By Paymaster T. T. Caswell.
Nov. 28, 1867	H. M. Denniston	265 17		170 00		Rio de Janeiro	do	do	
Dec. —, 1867	C. J. Emery	233 81	332 72	138 63		Hong-Kong	do	do	
Feb. 1, 1868	W. W. Williams	184 40	20 02	76 36		"Fredonia"	do	do	
Feb. 18, 1868	E. Putnam	242 00				St. Paul de Loando	Private sale	do	
Mar. 6, 1868	do	703 32				do	Auction	do	
Mar. 9, 1868	G. L. Mead	207 09				Key West	do	do	
Mar. 19, 1868	W. G. Marcy	345 91	71 44	143 20		Mare Island	do	do	
Mar. 31, 1868	H. M. Denniston	3 00				Rio de Janeiro	do	do	
Apr. 30, 1868	do	75 56				do	do	do	
June 1, 1868	George L. Mead	410 04				Key West	do	do	
Second quarter, 1868	C. J. Emery	97 52	234 90	80 26		Hong-Kong	do	do	
July 17, 29, and Sept. 28, 1868	Forbes Parker	84 07				Rio de Janeiro	do	do	
July 30, 1868	E. Foster	190 26			65	Panama	do	do	
July 30, 1868	E. Putnam	135 00	5 40			St. Paul de Loando	do	do	
Aug. 14, 1868	do	351 12				do	do	do	
Sept. 26, 1868	R. C. Spalding	33 66				Panama	do	do	
Oct. 26, 1868	Forbes Parker	80 31				Rio de Janeiro	do	do	
Dec. 16, 1868	C. J. Emery	29 57	208 91			Hong-Kong	do	do	
Jan. 29, 1869	George L. Mead	132 22				Key West	do	do	
Feb. 5 and Mar. 3, 1869	Forbes Parker	186 23	89 24	318 71		Rio de Janeiro	do	do	
Mar. 31, 1869	C. J. Emery	225 02	87 61	75 33		Hong-Kong	do	do	
April 13, 1869	W. J. Healey	75 36				Panama	do	do	
June 26, 1869	Forbes Parker		34 40	5 20		Rio de Janeiro	do	do	
July 22, 1869	T. C. Masten	257 48	46 23	6 62		Norfolk	do	do	Do.

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Amounts retained and accounted for in the settlement of paymasters' accounts—Continued.

Date of sale.	By whom sold.	Provisions.	Clothing.	Small-stores.	Contingent.	Station.	How sold.	Disposition.	
Sept. 16, 1869	W. G. Marcy	$960 69	$521 27	$216 64		Mare Island	Auction	Retained	
Nov. 4, 1869	Forbes Parker	13 20				Rio de Janeiro	do	do	
Nov. 9, 1869	G. L. Mead	158 08				Key West	do	do	
Dec. 13, 1869	do	57 36				do	do	do	
Dec. 22, 1869	W. J. Healey	79 46	95 55	167 43	$444 81	Panama	do	do	
Jan. 29, 1870	Forbes Parker	136 22				Rio de Janeiro	do	do	
Mar. 18, 1870	C. H. Eldredge	384 29	320 81	149 88	14 02	Hong-Kong	do	do	
April 12, 1870	George L. Mead	19 01				Key West	do	do	
April 19, 1870	do	26 93				do	do	do	
May 24, 1870	T. S. Thomson	71 22			4 18	do	do	do	
June 16, 1870	do	59 30				do	do	do	
July 11, 1870	W. V. E. Horan, $62.55; J. F. Fabens, $57.65.	120 20				Samana Bay	do	do	By Paymaster Schenck.
Aug. 4, 1870	T. S. Thomson	187 91				Key West	do	do	
Sept. 3, 1870	S. D. Hurlbut	111 60				Ville Franche	do	do	
Sept. 24, 1870	T. S. Thomson	136 98				Key West	do	do	
Oct. 18 and 31, 1870	do	144 40				do	do	do	
Nov. 16, 1870	S. T. Browne	7 75	2 98			Rio de Janeiro	do	do	
Nov. 21, 1870	T. S. Thomson	25 76		19 70		Key West	do	do	
Dec. 13, 1870	do	35 35				do	do	do	
Jan. 19, 1871	W. F. A. Torbert	60 00				"Idaho"	do	do	
Feb. 7 and 15, 1871	T. S. Thomson	148 75	107 36			Key West	do	do	
Mar. 20, 1871	do	49 61				do	do	do	
Mar. 30, 1871	C. H. Eldredge	202 78	649 84	346 55		Hong-Kong	do	do	
April 15, 1871	T. S. Thomson	124 34				Key West	do	do	
May 12, 1871	do		9 60			do	do	do	
May 17, 1871	S. T. Browne	15 65				Rio de Janeiro	do	do	
May 31, 1871	S. D. Hurlbut	39 06	5 58			Ville Franche	do	do	
June 30, 1871	H. Gerrard	24	19 06			Key West	do	do	
Nov. 24, 1871	F. C. Alley	32 24				do	do	do	
Cruise July 7, 1864, to July 25, 1865	E. H. Johnson		7 39			"St. Clair"	do	do	
Cruise Sept. 15, 1865, to May 2, 1866	E. N. Whitehouse	8 50				"Jas. Adger"	do	do	
Cruise April 1, 1866, to May 31, 1866	J. A. Bates, jr	63 06	5 58			Key West	do	do	
Cruise Nov. 1, 1865, to July 28, 1866	C. W. Stanum		77 85			"Pampero"	do	do	
Cruise Mar. 31, 1865, to Aug. 31, 1866	R. B. Rodney	58 00				"Conemaugh"	do	do	
Cruise Dec. 1, 1862, to Mar. 15, 1866	C. E. Bogg	40 80				"Cyane"	do	do	
Cruise April 1, 1865, to Oct. 11, 1866	T. L. Tullock, jr	22 89				"Paul Jones"	do	do	
Cruise Dec. 16, 1865, to Jan. 28, 1867	J. N. Carpenter	4 50				"Rhode Island"	do	do	
Cruise June 28, 1865, to April 30, 1867	F. T. Gillette	15 00				Naval ordnance depot, Jefferson reserve.	do	do	
Cruise Nov. 4, 1865, to May 25, 1867	J. L. Tolltree	992 74				"Vanderbilt"	do	do	
Cruise [illegible]	C. W. Stanum	[illegible]				"Pembroke"	do	do	
Cruise Oct. [illegible]	[illegible]	97 50				"Savannah"	do	do	

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Cruise April 15, 1865, to May 15, 1865	H. C. Spaulding	60 00		Saluda	do	do
Cruise April 15, 1865, to July 10, 1865	W. Goldsborough	25 00		Shamrock	do	do
Cruise April 15, 1865, to Dec. 31, 1865	P. C. Cosby	4 11		Alleghany	do	do
Cruise June 3, 1865, to Jan. 31, 1866	James Fulton	11 10	2 40	Minnesota	do	do
Cruise Nov. 16, 1865, to July 8, 1866	James Hoy, jr	172 30		Monongahela	do	do
Cruise July 1, 1866, to Oct. 31, 1866	F. H. Ilsman	101 00		Iron-clads (ordnance, New Orleans.)	do	do
Cruise Sept. 25, 1868, to Dec. 25, 1868	A. G. Baker		42 00	Shamokin	do	do
Cruise Oct. 31, 1868, to April 8, 1869	F. H. Arms	97 76		Naval station, New Orleans.	do	do
Cruise May 15, 1867, to July 31, 1868	Frank Bissell	80 00		Kansas	do	do
Cruise May 7, 1866, to Feb. 10, 1870	Ed. May	19 32		Lackawanna	do	do
Cruise Oct. 17, 1865, to Sept. 25, 1866	Ed. Bellows	20 00		Shamokin	do	do
Cruise Oct. 1, 1866, to Sept. 30, 1868	W. L. Darling	30 00		Macedonian	do	do
Cruise June 1, 1866, to Sept. 30, 1868	G. W. Beaumn	60 63		Marion, &c	do	do
Cruise Nov. 2, 1865, to May 3, 1869	A. J. Pritchard		29 50	Shenandoah	do	do
Cruise Nov. 2, 1865, to May 3, 1869	C. M. Guild	22 91		Pawnee	do	do
Cruise Jan. 1, 1867, to July 22, 1869	J. H. Stevenson	14 70		Suwanee	do	do
Cruise Feb. 25, 1867, to June 30, 1868	M. B. Hopkins	20 00		Pensacola	do	do
Cruise Aug. 13, 1866, to July 31, 1869	E. C. Doran	20 53		Ossipee	do	do
Cruise Oct. 27, 1868, to July 31, 1869	G. E. Hendee	12 00		Hartford	do	do
Cruise July 17, 1865, to Mar. 31, 1868	W. Irving	680 89		Arcostook	do	do
Cruise Dec. 23, 1866, to Sept. 18, 1869	Joseph Foster	17 84		Unadilla	do	do
Cruise Dec. 20, 1866, to Nov. 17, 1869	W. J. Thomson	51 00		Maumee	do	do
Cruise Oct. 1, 1867, to Dec. 16, 1869	F. C. Alley	7 92		Niack	do	do
Cruise April 17, 1867, to Sept. 31, 1869	H. T. B. Harris	27 77		Oneida	do	do
Cruise May 16, 1867, to Jan. 24, 1870	T. L. Tullock, jr	74 90		Iroquois	do	do
Cruise Jan. 7, 1867, to April 23, 1870	A. D. Bache	6 49		Idaho	do	do
Cruise Oct. 3, 1867, to April 15, 1870	George A. Lyon	99 57		Wasp	do	do
Cruise May 1, 1867, to Mar. 30, 1870	H. C. Machette	11 56		Quinnebaug	do	do
Cruise July 17, 1867, to July 25, 1870	John Furey	70 03		Nipsic	do	do
Cruise Oct. 15, 1868 to Jan. 26, 1871	J. P. Loomis	8 00		Nyack	do	do
Cruise Oct. 1, 1869, to Mar. 14, 1871	A. J. Greeley		41 00	Saginaw	do	do
Cruise July 20, 1869, to Jan. 26, 1871	G. H. Read	2 50		Monocacy	do	do
Cruise Aug. 12, 1866, to July 31, 1870	J. H. Bulkley	61 78	53 77	Delaware	do	do
Cruise July 1, 1866, to Dec. 2, 1870	A. H. Gilman	376 72		Congress	do	do
Cruise Feb. 5, 1870, to July 5, 1870	Caspar Schenck	63 46		Constitution	do	do
Cruise Oct. 1, 1869, to June 15, 1870	W. Goldsborough	59 22	181 75	Michigan	do	do
Cruise Oct. 1, 1868, to Sept. 30, 1871	H. M. Denniston		1 42	Jamestown	do	do
Cruise Nov. 23, 1868, to Oct. 7, 1871	George R. Watkins	46 49		Santee, &c	do	do
Cruise Oct. 1, 1871, to Dec. 31, 1871	John Furey	30 89		Guard	do	do
Cruise Jan. 17, 1871, to Aug. 3, 1871	Frank Bissell	125 00				
Total amounts retained		28,331 98	7,716 93	6,050 58	992 66	

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Total amounts deposited.

Provisions	$164,974 34	
Clothing	322,371 07	
Small stores	73,275 73	
Contingent	5,252 29	
Total		$565,873 43

Total amounts retained and accounted for in settlement of paymasters' accounts.

Provisions	$28,331 98	
Clothing	7,716 93	
Small stores	6,050 58	
Contingent	992 66	
Total		43,092 15
Grand total		608,965 58

Amount covered into the Treasury since June 30, 1865, from appropriations of this Bureau, $8,500,000.

NAVY DEPARTMENT,
BUREAU OF PROVISIONS AND CLOTHING,
March 5, 1872.

The proceeds deposited, $565,873.43, were deposited, not to the credit of the pay officers making the deposits, but to the credit of the Treasurer of the United States, and could be drawn from the Treasury only upon regularly approved requisitions, as in the case of money appropriated.

Under the present regulations of the Treasury Department, the proceeds of sales of clothing only can be drawn from the Treasury upon requisition.

The cost of clothing issued to all persons in the Navy is deducted from their pay, and the amount transferred in the settlement of paymasters' accounts at the Treasury Department from the appropriation "Pay of the Navy" to "Clothing for the Navy," which is again used to keep up the stock of clothing.

The proceeds not deposited, $43,092.15, were retained by the pay-officers, for the uses of the vessels and foreign stations, where deposits in the Treasury could not be made, and were accounted for in the settlement of their accounts in the office of the Fourth Auditor of the Treasury.

The whole amount of money drawn from the Treasury upon requisitions, and the proceeds not deposited, *do not exceed* the amount appropriated, consequently no money in addition to the amount appropriated has been expended on account of this Bureau.

EDWARD T. DUNN,
Paymaster General United States Navy.

Hon. GEORGE M. ROBESON,
Secretary of the Navy, Washington, D. C.

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NAVY DEPARTMENT,
BUREAU OF STEAM ENGINEERING,
March 13, 1872.

SIR: In obedience to your order of the 15th ultimo, indorsed on copy of a resolution of Congress dated February 12, I have the honor to inclose a list of all the sales made under cognizance of this Bureau from July 1, 1865, to February 1, 1872, amounting in the aggregate to $218,094.99. Of this amount, $37,605.72 was included in the $14,300,000 carried to the "surplus fund" of the Treasury from this Bureau September 30, 1867; $165,520.96 have been drawn out by the Bureau in the regular way, through requisitions on the Department, and expended to pay for repairs and fitting out vessels for sea, and for materials needed for immediate use; and $14,968.31 still remain in the United States Treasury.

Besides the amount above stated as expended from proceeds of sales made under the cognizance of this Bureau during the fiscal years from July 1, 1867, to June 30, 1870, there has also been expended in the same way, for the same purposes, $692,850, transferred to the credit of this Bureau by the Bureau of Construction and Repair, the same being the estimated proportionable value of machinery in vessels sold by them, making a total of $858,370.96 expended by the Bureau from proceeds of sales of Government property; and, besides this amount, no other moneys have been expended by this Bureau, for any purpose whatever, in excess of the appropriations. And had not this amount been available, the operations of this Bureau must have been disastrously curtailed, or an equal or larger amount must have been asked for to supply deficiencies.

No moneys derived from sales have been expended by this Bureau since July 1, 1870.

Very respectfully, your obedient servant,

J. W. KING,
Chief of Bureau.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

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List of sales of old machinery, materials, stores, &c., under cognizance of Bureau of Steam Engineering, from July 1, 1835, to February 1, 1872.

Name of officer making the sale.	Character of property.	Time.	Place.	How sold.	Amount realized.	Disposition of proceeds.	Remarks.
Commodore J. W. Livingston, commandant.	Old carbon oil	Aug. 4, 1865	Mound City		$1,094 25	U. S. Treasury.	
Do	Empty oil-barrels	Aug. 23, 1865	....do		136 80	.....do.....	
Rear-Admiral C. H. Bell, commandant	.....do	Sept. 11, 1865	New York	Public auction.	124 00	.....do.....	
Rear-Admiral S. H. Stringham, commandant	Condemned stores	Sept. 15, 1865	Boston	.....do	73 04	.....do.....	
Commodore J. W. Livingston, commandant.	Old boilers, &c	Sept. 12, 1865	Mound City		3,282 26	.....do.....	
Rear-Admiral C. H. Bell, commandant	Condemned stores	Oct. 16, 1865	New York	Public auction.	18 00	.....do.....	
Commodore J. B. Hull, commandant	Wrought scrap-iron, &c	Oct. 28, 1865	Philadelphia	.....do	2,538 11	.....do.....	
Commodore J. A. Williamson, commandant.	Old machinery and scrap-iron	Jan. 19, 1866	New Orleans	.....do	3,411 83	.....do.....	
Rear-Admiral C. H. Bell, commandant	Condemned stores	Jan. 22, 1866	New York	.....do	203 60	.....do.....	
Rear-Admiral Wm. Radford, commandant	.....do	Feb. 27, 1866	Washington	.....do	89 22	.....do.....	
Do	Iron, sixteen pounds	May 15, 1866	....do	Private sale	1 12	.....do.....	
Commodore T. O. Selfridge, commandant	Old tubes and condemned stores.	May 24, 1866	Philadelphia	Public auction.	1,527 89	.....do.....	
Commodore J. F. Schenck, commandant	Iron chimney	June 1, 1866	Mound City	Private sale	61 60	.....do.....	
Rear-Admiral Wm. Radford, commandant	Thirty pounds wrought iron	June 4, 1866	Washington	.....do	2 10	.....do.....	
Rear-Admiral C. H. Bell, commandant	Condemned stores	June 30, 1866	New York	Public auction.	438 00	.....do.....	
Total					13,001 82		
Rear-Admiral C. H. Bell, commandant	Condemned stores	July 12, 1866	New York	Public auction.	1,201 66	U. S. Treasury.	
Commodore J. Lanman, commandant	Small engine	July 13, 1866	Bay Point, S.C.	Private sale	50 00	.....do.....	Included in amount carried to surplus fund of Treasury Sept. 30, 1867.
Commodore R. B. Hitchcock, commandant	Old machinery, stores, &c	Aug. 3, 1866	Norfolk	Public auction.	9,119 84	.....do.....	
Commodore T. O. Selfridge, commandant	Condemned stores	Aug. 4, 1866	Philadelphia	.....do	138 30	.....do.....	
Commodore J. F. Schenck, commandant	Scrap-iron, &c	Aug. 6, 1866	Mound City		555 00	.....do.....	
Rear-Admiral Wm. Radford, commandant	Condemned stores	Sept. 1, 1866	Washington	Public auction.	3 50	.....do.....	
Rear-Admiral S. H. Stringham, commandant	.....do	Sept. 18, 1866	Boston	.....do	64 50	.....do.....	
Commodore T. O. Selfridge, commandant	.....do	Oct. 18, 1866	Philadelphia	.....do	693 25	.....do.....	
Commodore C. H. Poor, commandant	Old engine	Nov. 15, 1866	Mound City		800 00	.....do.....	
Rear-Admiral S. H. Stringham, commandant	Condemned stores	Dec. 8, 1866	Boston	Public auction.	702 74	.....do.....	
Rear-Admiral C. H. Bell, commandant	.....do	Dec. 30, 1866	New York	.....do	392 50	.....do.....	
Do	.....do	Jan. 14, 1867	....do	.....do	520 19	.....do.....	
Rear-Admiral Wm. Radford, commandant	.....do	Jan. 22, 1867	Washington	.....do	12 24	.....do.....	
Commodore J. Rodgers, commandant	.....do	Feb. 6, 1867	Boston	.....do	144 00	.....do.....	
Captain J. F. Armstrong, commandant	Old boilers and machinery	Feb. 20, 1867	Pensacola	.....do	1,947 00	.....do.....	
Rear-Admiral S. C. Rowan, commandant	Condemned stores	Mar. 9, 1867	Norfolk	.....do	44 68	.....do.....	
Do	.....do	Mar. 16, 1867	....do	.....do	94 75	.....do.....	
Commodore J. Rodgers, commandant	Old iron	Mar. 27, 1867	Boston	.....do	1,246 64	.....do.....	
Rear-Admiral S. C. Rowan, commandant	Old boiler	April 20, 1867	Norfolk	.....do	161 79	.....do.....	
Commodore T. O. Selfridge, commandant	Condemned stores	May 25, 1867	Philadelphia	.....do	67 50	.....do.....	
Commodore J. Rodgers, commandant	Scrap-iron and condemned stores.	May 28, 1867	Boston	.....do	2,395 38	.....do.....	
Commodore C. H. Poore, commandant	Condemned stores	June 1, 1867	Mound City	.....do	159 21	.....do.....	
Rear-Admiral S. C. Rowan, commandant	.....do	June 24, 1867	Norfolk	.....do	513 10	.....do.....	
Rear-Admiral C. H. Bell, commandant	.....do	June 25, 1867	New York	.....do	1,529 57	.....do.....	

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Total						21,603 90	
Commodore J. Rodgers, commandant	Condemned stores	Aug. 17, 1867	Boston	Public auction.	240 68	U. S. Treasury.	
Do	Old blower	Sept. 12, 1867	do	do	35 51	do	
Do	do	Sept. 10, 1867	do	do	118 63	do	
Commodore C. H. Poor, commandant	Old iron and junk	Sept. 13, 1867	Mound City	do	45 00	do	
Commodore J. Rodgers, commandant	Condemned stores	Sept. 24, 1867	Boston	do	72 18	do	
Do	Old scrap-iron, &c	Oct. 1, 1867	do	do	4,736 52	do	
Commodore T. O. Selfridge, commandant	Condemned stores, &c	Nov. 6, 1867	Philadelphia	do	215 98	do	
Commodore J. Rodgers, commandant	Coal screenings and barrels	Nov. 19, 1867	Boston	do	32 66	do	
Rear-Admiral C. H. Bell, commandant	Condemned stores	Nov. 26, 1867	New York	do	890 14	do	
Commodore C. H. Poor, commandant	Old boiler, &c	Jan. 22, 1868	Mound City	do	49 97	do	
Rear-Admiral C. H. Bell, commandant	Engineers' stores sold on "Dunbarton"	Jan. 30, 1868	New York		262 25	do	
Commodore J. Rodgers, commandant	Old boilers	Mar. 5, 1868	Boston	Public auction.	1,396 84	do	
Commodore T. O. Selfridge, commandant	Condemned stores	April 2, 1868	Norfolk	do	2,023 08	do	
Commodore J. Rodgers, commandant	do	May 15, 1868	Boston	do	5,247 24	do	
Commodore A. H. Kilty, commandant	do	May 18, 1868	Norfolk	do	334 81	do	
Do	Old boilers and scrap-iron	June 16, 1868	do	do	2,457 12	do	
Total					18,158 61		
Rear-Admiral Wm. Radford, commandant	Condemned stores, &c	July 14, 1868	Washington	Public auction.	1,233 64	U. S. Treasury.	
Commodore J. B. Marchand, commandant	do	July 15, 1868	Philadelphia	do	162 34	do	
Commodore J. Rodgers, commandant	do	July 30, 1869	Boston	do	1,618 35	do	
Rear-Admiral S. W. Godon, commandant	do	Aug. —, 1868	New York	do	208 75	do	
Rear-Admiral Wm. Radford, commandant	Old iron	Aug. 18, 1868	Washington	do	62 32	do	
Commodore J. Lanman, commandant	Clock	Sept. 14, 1867	Portsmouth	do	60 00	do	
Rear-Admiral S. W. Godon, commandant	Old boilers	Nov. 5, 1868	New York	do	28,482 50	do	
Commodore A. H. Kilty, commandant	do	Nov. 30, 1868	Norfolk	do	195 70	do	
Commodore J. Lanman, commandant	Condemned stores	Nov. 30, 1868	Portsmouth	do	310 31	do	
Commodore A. H. Kilty, commandant	do	Dec. 12, 1868	Norfolk	do	2,444 70	do	
Rear-Admiral Wm. Radford, commandant	Two plates, iron	Dec. 24, 1868	Washington	Private sale	1 20	do	
Rear-Admiral C. H. Poor, commandant	Condemned stores	June 23, 1869	do	Public auction.	691 83	do	
Commodore J. B. Marchand, commandant	do	June 2, 1869	Philadelphia	do	1,926 00	do	
Rear-Admiral Wm. Radford, commandant	Condemned packing	Mar. 22, 1869	Washington	do	31 95	do	
Total					37,429 59		
Rear-Admiral S. W. Godon, commandant	Condemned stores, &c	July 21, 1869	New York	Public auction.	1,137 79	U. S. Treasury.	
Commodore J. Rodgers, commandant	do	Aug. 23, 1869	Boston	do	18,073 93	do	
Rear-Admiral J. A. Dahlgren, commandant	do	Sept. 6, 1869	Washington	do	11 08	do	
Rear-Admiral S. W. Godon, commandant	Old boilers	Sept. 15, 1869	New York	do	3,486 90	do	
Do	Old composition	Sept. —, 1869	do	do	4,950 00	do	
Commodore J. B. Marchand, commandant	Condemned stores	Sept. 22, 1869	Philadelphia	do	2,095 97	do	
Commodore T. P. Greene, commandant	Scrap-iron	Sept. 15, 1869	Pensacola	do	606 74	do	
Rear-Admiral S. W. Godon, commandant	Old boiler	Nov. 22, 1869	New York	do	800 00	do	
Commodore H. Walke, commandant	Condemned stores	Nov. 22, 1869	Mound City	do	406 40	do	
Rear-Admiral J. H. Dahlgren, commandant	United States ship "Shamokin"	Dec. 4, 1869	Washington	do	25,000 00	do	

Drawn out by regular requisitions on the Department, at sundry times, as needed to pay for repairs and fitting vessels for sea, and for materials needed for immediate use.

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List of sales of old machinery, materials, stores, &c.—Continued.

Name of officer making the sale.	Character of property.	Time.	Place.	How sold.	Amount realized.	Disposition of proceeds.	Remarks.
Captain J. F. Armstrong, commandant	Empty barrels	Dec. 7, 1869	New Orleans	Public auction.	$34 65	U. S. Treasury.	Drawn out by regular requisitions on the Department, at sundry times, as needed to pay for repairs and fitting vessels for sea, and for materials needed for immediate use.
Rear-Admiral J. H. Dahlgren, commandant	Old boilers, &c	Dec. 28, 1869	Washington	do	409 55	do	
Rear-Admiral S. W. Godon, commandant	Old boilers, iron, &c	Dec. —, 1869	New York	do	41,045 23	do	
Commodore H. Walke, commandant	Condemned stores	Jan. 20, 1870	Mound City	do	405 08	do	
Do	do	Jan. 26, 1870	do	do	594 92	do	
Captain J. F. Armstrong, commandant	do	Feb. 16, 1870	New Orleans	do	20 00	do	
Commodore H. Walke, commandant	do	Mar. 22, 1870	Mound City	do	1,903 30	do	
Captain J. F. Armstrong, commandant	Old grate bars, &c	May 30, 1870	New Orleans	do	52 50	do	
Rear-Admiral J. A. Winslow, commandant	Condemned stores	Mar. 31, 1870	Portsmouth	do	8,898 72	do	
Total					109,932 76		
Rear-Admiral M. Smith, commandant	Condemned stores and boilers	Aug. 25, 1870	Washington	Public auction.	618 77	U. S. Treasury.	
Commodore E. Middleton, commandant	Old scrap-iron	Sept. 13, 1870	Pensacola	do	4 65	do	
Commodore A. M. Pennock, commandant	Condemned stores, &c	Sept. 6, 1870	Portsmouth	do	1,260 34	do	
Commodore J. B. Marchand, commandant	Scrap-iron, &c	Oct. 5, 1870	Philadelphia	do	222 99	do	
Commodore A. M. Pennock, commandant	do	Nov. 9, 1870	Portsmouth	do	808 48	do	
Rear-Admiral C. H. Davis, commandant	Condemned stores, &c	Dec. 15, 1870	Norfolk	do	3,042 20	do	
Rear-Admiral L. M. Goldsborough, commandant.	Old boilers	Jan. 26, 1871	Washington	Private sale	1,274 38	do	
Do	Old iron	Jan. —, 1871	do	Public auction.	1,772 06	do	
Commodore E. Middleton, commandant	Condemned stores, &c	Jan. 27, 1871	Pensacola	do	1,608 08	do	Remaining in the U. S. Treasury.
Commodore G. F. Emmons, commandant	do	Mar. 22, 1871	Philadelphia	do	1,756 76	do	
Total					12,368 71		
Rear-Admiral Chas. Steedman, commandant	Condemned stores, &c	Sept. 20, 1871	Boston	Public auction.	60 20	U. S. Treasury.	
Rear-Admiral M. Smith, commandant	do	Nov. 28, 1871	New York	do	2,199 50	do	
Commodore G. F. Emmons, commandant	do	Jan. 3, 1872	Philadelphia	do	339 90	do	
Total					2,599 60		
Total amount of sales					218,094 99		

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H.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
March 13, 1872.

SIR: I have the honor to transmit herewith a list of articles sold under the cognizance of this Bureau since June 30, 1865, amounting to $10,344,066.19, of which sum the following disposition was made, viz:

November 30, 1867, transfer to surplus fund of the Treasury	$28,834,576 29
Including of the above sales	8,448,785 49
Transferred to Bureau of Steam Engineering	692,850 00
Expended, (as the sales were added to the balances, it is not known which amounts are included in this sum)	1,064,235 77
Balance remaining in Treasury	138,194 94
Total	10,344,066 19

No moneys received from sales made since June 30, 1870, have been expended.

I also inclose a statement from which it would appear that during the fiscal years 1868–'69 and 1869–'70 the expenditures exceeded the amounts appropriated by Congress; but as the estimates of this Bureau were based on the amounts on hand at the beginning of a fiscal year, it may not be considered an overexpenditure, for the amounts asked for to be appropriated would have had to be increased had it not been for the balances on hand.

I am, sir, very respectfully, your obedient servant,

J. HANSCOM,
Chief of Bureau.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

BUREAU OF CONSTRUCTION AND REPAIR, *March* 13, 1872.

	Amounts appropriated.	Excess of expenditures over appropriations, exclusive of balances.	Excess of expenditures over appropriations, inclusive of balances on hand.
[illegible]	None		
[illegible]	None		
[illegible]	None		
[illegible]	$3,000,000 00	$688,955 60	None.
[illegible]	4,000,000 00	1,694,065 16	None.
[illegible]	4,830,000 00	None	

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List of sales made under the cognizance of the Bureau of Construction and Repair since June 30, 1865.

By whom sold.	Character of property.	When.	Where.	Manner of making sale.	Amount realized from sale.	Disposition made of proceeds of sale.	Who, when, and by whom drawn out.	What was done with the amounts drawn out.	Remarks.
Commodore T. Bailey	Vessels	Aug. 9, 1865	Portsmouth, N. H.	Auction	$98,800 00	U. S. Treasury	Not drawn out.		
	Do	Sept. 25, 1865	do	do	12,600 00	do	do		
	Refuse wood, &c.	2d quar., 1866	do	do	377 59	do	do		
Commodore Jos. Lanman	Vessels	Aug. 28, 1868	do	do	105,998 30	do	do		
	Refuse wood, &c.	3d quar., 1868	do	do	765 86	do	do		
Captain John Guest	Refuse wood, &c.	2d quar., 1869	do	do	99 94	do	do		
Commodore J. A. Winslow	Refuse wood, &c.	3d quar., 1869	do	do	911 80	do	do		
	Vessels	June 17, 1869	do	do	50,000 00	do	do		Tender after auction.
	Do	Oct. 19, 1869	do	do	6,700 00	do	do		
Commodore A. M. Pennock	Furniture, &c.	Jan. 12, 1871	do	do	896 68	do	do		
	Refuse wood, &c.	2d quar., 1871	do	do	685 69	do	do		
	Do	3d quar., 1871	do	do	1,052 21	do	do		
	Do	4th quar., 1871	do	do	401 40	do	do		
Admiral S. H. Stringham	Tools	Aug. 30, 1865	do	do	140 45	do	do		
	Boats, casks, &c.	Oct. 31, 1865	do	do	2,127 91	do	do		
	Vessels	4th quar., 1865	do	do	351,400 00	do	do		
	Boxes, paint, &c.	Jan. 5, 1866	do	do	22 34	do	do		
	Tools, &c	Sept. 18, 1866	do	do	53 75	do	do		
	Vessels	Oct. 3, 1866	do	do	30,800 00	do	do		
	Boats	Nov. 22, 1866	do	do	813 00	do	do		
Commodore John Rodgers	Tools, paint, &c.	Feb. 6, 1867	do	do	99 16	do	do		
	Vessels	Mar. 19, 1867	do	do	12,500 00	do	do		Do.
	Sails	Mar. 19, 1867	do	do	420 00	do	do		
	Hawser, &c	May 8, 1867	do	do	308 33	do	do		
	Vessels	May 28, 1867	do	do	11,500 00	do	do		Do.
	Tools, &c	May 28, 1867	do	do	30 86	do	do		
	Refuse wood, &c.	3d quar., 1867	do	do	791 91	do	do		
	Vessels	Oct. 5, 1867	do	do	64,100 00	do	do		
	Refuse wood	4th quar., 1867	do	do	2,031 88	do	do		
	Do	April 4, 1868	do	do	372 45	do	do		
	Boats, tools, &c.	May 7, 1868	do	do	6,248 60	do	do		
	Refuse wood, &c.	July 1, 1868	do	do	300 28	do	do		
	Do	4th quar., 1868	do	do	294 53	do	do		
	Do	3d quar., 1869	do	do	1,924 52	do	do		
Commodore Charles Steedman	Refuse wood, &c.	4th quar., 1869	do	do	1,726 18	do	do		
	Do	1st quar., 1870	Boston	do	405 34	do	do		
	Do	3d quar., 1870	do	do	[illegible] 30	do	do		

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	Do	4th quar., 1865	do	do	7 80	do	do	do	
	Lumber	Mar. 3, 1871	do	do	23 50	do	do	do	
	Refuse wood	1st, 2d, and 3d qrs., 1871.	do	do	1,752 38	do	do	do	
Admiral C. H. Bell	Furniture	July 24, 1865	New York	do	667 50	do	do	do	
	Vessels	3d quar., 1865	do	do	700,350 00	do	do	do	
	Do	3d quar., 1865	do	do	764,200 00	do	do	do	
	Boats	Sept. 25, 1865	do	do	302 50	do	do	do	
	Vessels	Oct. 25, 1865	do	do	509,350 37	do	do	do	
	Do	Nov. 30, 1865	do	do	468,900 00	do	do	do	
	Lumber	Nov. 11, 1865	do	do	3,621 28	do	do	do	
	Refuse wood, &c.	1st quar., 1866	do	do	1,024 70	do	do	do	
	Do	2d quar., 1866	do	do	2,268 86	do	do	do	
	Vessels	Mar. 16, 1866	do	do	16,200 00	do	do	do	Do.
	Do	Aug. 28, 1866	do	do	12,600 00	do	do	do	Do.
	Do	June 13, 1866	do	do	32,350 00	do	do	do	Do.
	Do	Sept. 13, 1866	do	do	5,000 00	do	do	do	Do.
	Do	Oct. 5, 1866	do	do	119,900 00	do	do	do	
	Timber	Oct. 5, 1866	do	do	1,057 37	do	do	do	
	Vessels	Nov. 9, 1866	do	do	6,000 00	do	do	do	Do.
	Do	Oct. 9, 1866	do	do	32,000 00	do	do	do	Do.
	Refuse wood, &c.	3d quar., 1866	do	do	1,103 50	do	do	do	
	Vessels	Jan. 19, 1867	do	do	16,000 00	do	do	do	Do.
	Tools	Jan. 14, 1867	do	do	1,349 92	do	do	do	
	"Dunderberg"	July 3, 1867	do	Act of Congress, Mar. 2, 1867.	1,041,666 67	do	do	do	
	"Onondaga"	July 12, 1867	do	do	759,673 00	do	do	do	
	Vessels	July 13, 1867	do	Auction	20,000 00	do	do	do	Do.
	Tools	April 22, 1867	do	do	24 50	do	do	do	
	Do	June 27, 1867	do	do	713 00	do	do	do	
	Hemp	Aug. 28, 1867	do	At appraised value.	2,301 60	do	do	do	
	Vessels	Oct. 1-15, 1867	do	Auction	348,500 00	do	do	do	
	Refuse wood	Oct. 21, 1867	do	do	1,718 73	do	do	do	
	Blocks	Dec. 17, 1867	do	At appraised value.	54 00	do	do	do	
	Furniture	Nov. 21, 1867	do	Auction	4,656 21	do	do	do	
	Refuse wood	Dec. 18, 1867	do	do	224 00	do	do	do	
	Do	Nov. 19, 1867	do	do	303 47	do	do	do	
	Do	Mar. 16, 1868	do	do	182 68	do	do	do	
Admiral S. W. Godon	Vessels	Aug. 29, 1868	do	do	104,200 00	do	do	do	
	Furniture	Sept. 30, 1868	do	At appraised value.	25 00	do	do	do	
	Boat-breakers	Nov. 18, 1868	do	do	349 50	do	do	do	
	Vessels	Dec. 1, 1868	do	Auction	20,700 00	do	do	do	Do.
	Boats	Dec. 2, 1868	do	do	60 00	do	do	do	
	Refuse wood	Nov. 14, 1868	do	do	437 50	do	do	do	
	Furniture	Nov. 7, 1868	do	do	7,702 48	do	do	do	
	Vessels	May 18, 1869	do	do	54,470 50	do	do	do	
	Do	May 14, 1869	do	do	13,200 00	do	do	do	Do.

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List of sales made under the cognizance of the Bureau of Construction and Repair since June 30, 1865—Continued.

By whom sold.	Character of property.	When.	Where.	Manner of making sale.	Amount realized from sale.	Disposition made of proceeds of sale.	Who, when, and by whom drawn out.	What was done with the amounts drawn out.	Remarks.
Admiral S. W. Goden—Cont'd.	Vessels	May 6, 1869	New York	Auction	$7,700 00	U. S. Treasury	Not drawn out		Tender after auction.
	Boat	June 11, 1869	do	do	50 00	do	do		
	Vessels	July 7, 1869	do	do	12,000 00	do	do		Do.
	Furniture, &c	June 11, 1869	do	do	8,038 41	do	do		
	Pump-boxes	Aug. 4, 1869	do	At appraised value.	160 00	do	do		
	Vessels	Oct. 21, 1869	do	Auction	30,000 00	do	do		Do.
	Furniture	Sept. 14, 1869	do	do	1,493 38	do	do		
	Capstan, &c	Oct. 23, 1869	do	do	457 60	do	do		
	Refuse wood	Oct. 15, 1869	do	do	695 41	do	do		
	Boats	Mar. 9, 1870	do	At appraised value.	15 00	do	do		
	Vessels	July 20, 1870	do	Auction	25,000 00	do	do		Do.
	Do	July 28, 1870	do	At appraised value.	2,750 00	do	do		
	Furniture	July 28, 1870	do	do	15 00	do	do		
Admiral M. Smith	Boats & cutters	Oct. 14, 1870	do	do	275 00	do	do		
	Do	Oct. 14, 1870	do	do	275 00	do	do		
	Life-buoys	Dec. 6, 1870	do	do	185 00	do	do		
	Refuse wood	Sept. 27, 1870	do	Auction	4,932 46	do	do		
	Casks	Mar. 6, 1871	do	At appraised value.	105 51	do	do		
	Cutter	June 13, 1871	do	do	400 00	do	do		
	Timber	June 15, 1871	do	do	17 51	do	do		
	Refuse wood	Sept. 5, 1871	do	Auction	3,104 19	do	do		
	Coal, &c	Dec. 30, 1871	do	At appraised value.	112 11	do	do		
State Department	"Stonewall"	Aug. 19, 1867	Washington		300,000 00	do	do		
Admiral Thomas Turner	"Stonewall"	Aug. 10, 1869	do		107,159 06	do	do		
Commodore J. B. Hull	Wreck of "Watertee."	Nov. 21, 1868	Callao	Auction	2,771 00	do	do		
	Vessels	Aug. 10, 1865	Philadelphia	Auction	376,750 00	do	do		
	Do	Sept. 12, 1865	do	do	82,675 00	do	do		
	Do	Sept. 21, 1865	do	do	121,100 00	do	do		
	Do	Oct. 21, 1865	do	do	9,988 12	do	do		

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	Boats, timber, &c.	May	24, 1866	....do	....do	....do	....do	....do	
	Boats, tanks, &c	Aug.	4, 1866	....do	....do	....do	....do	....do	
	Vessels	Oct.	9, 1866	....do	....do	....do	....do	....do	
	Do	Oct.	9, 1866	....do	....do	....do	....do	....do	
	Furniture, &c	Oct.	18, 1866	....do	....do	....do	....do	....do	
	Vessels	Nov.	6, 1866	....do	....do	....do	....do	....do	
	Do	Nov.	26, 1866	....do	....do	....do	....do	....do	Do.
	Do	Dec.	8, 1866	....do	....do	....do	....do	....do	Do.
	Furniture	June	12, 1867	....do	....do	....do	....do	....do	Do.
	Lumber	Aug.	3, 1867	....do	....do	....do	....do	....do	
	Vessels	Oct.	3, 1867	....do	....do	....do	....do	....do	
	Furniture, &c	Nov.	6, 1867	....do	....do	....do	....do	....do	
	Vessels	Dec.	7, 1867	....do	....do	....do	....do	....do	Do.
	Furniture	Mar.	18, 1868	....do	....do	....do	....do	....do	
	Tools, &c	July	15, 1868	....do	....do	....do	....do	....do	
Commander J. B. Marchand	Vessels	Sept.	1, 1868	....do	....do	....do	....do	....do	
	Do	Oct.	28, 1868	....do	....do	....do	....do	....do	Do.
	Do	Dec.	5, 1868	....do	....do	....do	....do	....do	Do.
	Refuse wood	Dec.	19, 1868	....do	....do	....do	....do	....do	
	Do	Jan.	16, 1869	....do	....do	....do	....do	....do	
	Do	Feb.	6, 1869	....do	....do	....do	....do	....do	
	Do	Feb.	20, 1869	....do	....do	....do	....do	....do	
	Do	Mar.	20, 1869	....do	....do	....do	....do	....do	
	Vessels	May	4, 1869	....do	....do	....do	....do	....do	Do.
	Refuse wood	2d quar.,	1869	....do	....do	....do	....do	....do	
	Vessels	June	26, 1869	....do	....do	....do	....do	....do	Do.
	Refuse wood	3d quar.,	1869	....do	....do	....do	....do	....do	
	Do	4th quar.,	1869	....do	....do	....do	....do	....do	
	Furniture	Mar.	9, 1870	....do	....do	....do	....do	....do	
Commodore G. F. Emmons	Refuse wood	4th quar.,	1870	....do	....do	....do	....do	....do	
	Do	April	10, 1871	....do	....do	....do	....do	....do	
	Do	Aug.	16, 1871	....do	....do	....do	....do	....do	
Commander Ed. Donaldson	Boat	Dec.	25, 1865	Baltimore	....do	....do	....do	....do	
	Furniture	July	6, 1867	....do	....do	....do	....do	....do	
Admiral D. D. Porter	Boats	June	15, 1867	Annapolis	....do	....do	....do	....do	
Commodore J. L. Worden	Do	Dec.	9, 1870	....do	....do	....do	....do	....do	
Commodore J. B. Montgomery	Vessels	July	29, 1865	Washington	....do	....do	....do	....do	
	Do	Sept.	23, 1865	....do	....do	....do	....do	....do	
	Boats	Aug.	23, 1865	....do	....do	....do	....do	....do	
Admiral W. Radford	Do	Nov.	11, 1865	....do	....do	....do	....do	....do	
	Copper scale	Dec.	20, 1865	....do	....do	....do	....do	....do	
	Vessels	Oct.	28, 1868	....do	....do	....do	....do	....do	
	Boats	Sept.	1, 1866	....do	....do	....do	....do	....do	
	Vessels	Oct.	8, 1867	....do	....do	....do	....do	....do	
	Copper scale	Sept.	25, 1867	....do	....do	....do	....do	....do	
	Boats	Oct.	28, 1867	....do	....do	....do	....do	....do	
	Tools	July	24, 1868	....do	....do	....do	....do	....do	
	Vessels	Oct.	28, 1868	....do	....do	....do	....do	....do	
	Boat	Nov.	25, 1868	....do	....do	At appraised value.	150 00	....do	....do	....do	

	Boats, timber, &c.	May	24, 1866	....do	....do	....do	....do	....do	
	Boats, tanks, &c	Aug.	4, 1866	....do	....do	....do	....do	....do	
	Vessels	Oct.	9, 1866	....do	....do	....do	....do	....do	
	Do	Oct.	9, 1866	....do	....do	....do	....do	....do	
	Furniture, &c	Oct.	18, 1866	....do	....do	....do	....do	....do	
	Vessels	Nov.	6, 1866	....do	....do	....do	....do	....do	
	Do	Nov.	26, 1866	....do	....do	....do	....do	....do	Do.
	Do	Dec.	8, 1866	....do	....do	....do	....do	....do	Do.
	Furniture	June	12, 1867	....do	....do	....do	....do	....do	Do.
	Lumber	Aug.	3, 1867	....do	....do	....do	....do	....do	
	Vessels	Oct.	3, 1867	....do	....do	....do	....do	....do	
	Furniture, &c	Nov.	6, 1867	....do	....do	....do	....do	....do	
	Vessels	Dec.	7, 1867	....do	....do	....do	....do	....do	Do.
	Furniture	Mar.	18, 1868	....do	....do	....do	....do	....do	
	Tools, &c	July	15, 1868	....do	....do	....do	....do	....do	
Commander J. B. Marchand	Vessels	Sept.	1, 1868	....do	....do	....do	....do	....do	
	Do	Oct.	28, 1868	....do	....do	....do	....do	....do	Do.
	Do	Dec.	5, 1868	....do	....do	....do	....do	....do	Do.
	Refuse wood	Dec.	19, 1868	....do	....do	....do	....do	....do	
	Do	Jan.	16, 1869	....do	....do	....do	....do	....do	
	Do	Feb.	6, 1869	....do	....do	....do	....do	....do	
	Do	Feb.	20, 1869	....do	....do	....do	....do	....do	
	Do	Mar.	20, 1869	....do	....do	....do	....do	....do	
	Vessels	May	4, 1869	....do	....do	....do	....do	....do	Do.
	Refuse wood	2d quar.,	1869	....do	....do	....do	....do	....do	
	Vessels	June	26, 1869	....do	....do	....do	....do	....do	Do.
	Refuse wood	3d quar.,	1869	....do	....do	....do	....do	....do	
	Do	4th quar.,	1869	....do	....do	....do	....do	....do	
	Furniture	Mar.	9, 1870	....do	....do	....do	....do	....do	
Commodore G. F. Emmons	Refuse wood	4th quar.,	1870	....do	....do	....do	....do	....do	
	Do	April	10, 1871	....do	....do	....do	....do	....do	
	Do	Aug.	16, 1871	....do	....do	....do	....do	....do	
Commander Ed. Donaldson	Boat	Dec.	25, 1865	Baltimore	....do	....do	....do	....do	
	Furniture	July	6, 1867	....do	....do	....do	....do	....do	
Admiral D. D. Porter	Boats	June	15, 1867	Annapolis	....do	....do	....do	....do	
Commodore J. L. Worden	Do	Dec.	9, 1870	....do	....do	....do	....do	....do	
Commodore J. B. Montgomery	Vessels	July	29, 1865	Washington	....do	....do	....do	....do	
	Do	Sept.	23, 1865	....do	....do	....do	....do	....do	
	Boats	Aug.	23, 1865	....do	....do	....do	....do	....do	
Admiral W. Radford	Do	Nov.	11, 1865	....do	....do	....do	....do	....do	
	Copper scale	Dec.	20, 1865	....do	....do	....do	....do	....do	
	Vessels	Oct.	28, 1868	....do	....do	....do	....do	....do	
	Boats	Sept.	1, 1866	....do	....do	....do	....do	....do	
	Vessels	Oct.	8, 1867	....do	....do	....do	....do	....do	
	Copper scale	Sept.	25, 1867	....do	....do	....do	....do	....do	
	Boats	Oct.	28, 1867	....do	....do	....do	....do	....do	
	Tools	July	24, 1868	....do	....do	....do	....do	....do	
	Vessels	Oct.	28, 1868	....do	....do	....do	....do	....do	
	Boat	Nov.	25, 1868	....do	....do	At appraised value.	150 00	....do	....do	....do	

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List of sales made under the cognizance of the Bureau of Construction and Repair since June 30, 1865—Continued.

By whom sold.	Character of property.	When.	Where.	Manner of making sales.	Amounts realized from sales.	Disposition made of proceeds of sales.	Who, when, and by whom drawn out.	What was done with the money drawn out.	Remarks.
Admiral C. H. Poor	Furniture, tools, &c.	Jan. 15, 1869	Washington	Auction	$582 63	U. S. Treasury	Not drawn out.	.....	
	Do	Mar. 22, 1869	do	do	230 76	do	do	.....	
	Boats	June 22, 1869	do	do	746 42	do	do	.....	
Admiral J. Dahlgren	Dinghy	Sept. 6, 1869	do	do	20 80	do	do	.....	
	Tools, furniture, &c.	Dec. 28, 1869	do	do	158 96	do	do	.....	
	Copper scale	May 13, 1870	do	do	10, 022 97	do	do	.....	
Admiral M. Smith	Boats, furniture, &c.	Aug. 24, 1870	do	do	354 90	do	do	.....	
	Timber	Oct. 11, 1870	do	do	33 24	do	do	.....	
	Furniture	Oct. 4, 1870	do	do	29 75	do	do	.....	
	Iron	Sept. 2, 1870	do	do	8, 051 91	do	do	.....	
Admiral L. M. Goldsborough	Furniture	Oct. 14, 1870	do	do	29 75	do	do	.....	
	White-oak knees	Oct. 29, 1870	do	do	135 00	do	do	.....	
	Furniture, tools	Jan. 25, 1871	do	do	505 30	do	do	.....	
	Vessels	Mar. 17, 1871	do	do	600 00	do	do	.....	
	Boats, &c	3d quar., 1871	do	At appraised value.	47 81	do	do	.....	
	Refuse wood	July 26, 1871	do	Auction	1, 593 27	do	do	.....	
Admiral S. C. Rowan	Vessels	Oct. —, 1869	East India	do	40, 309 90	do	do	.....	
	Do	Dec. 15, 1869	do	do	31, 726 87	do	do	.....	
Paymaster Ed. Foster	Wreck San Jacinto.	May 17, 1871	Nassau	do	224 61	do	do	.....	
Captain J. M. Berrien	Wreck	July 7, 1865	Norfolk, Va	do	211 98	do	do	.....	
	Prize property	Aug. 14, 1865	do	do	615 09	do	do	.....	
	Schooner	Sept. 6, 1865	do	do	713 21	do	do	.....	
	Torpedo-boat	Oct. 2, 1865	do	do	1, 353 75	do	do	.....	
	Boats	Oct. 2, 1865	do	do	391 90	do	do	.....	
Commodore J. W. Hitchcock	Provisions	Nov. 13, 1865	do	do	342 55	do	do	.....	
	Boats	Jan. 20, 1866	do	do	453 50	do	do	.....	
	Materials from wrecks.	Feb. 1, 1866	do	do	7, 004 74	do	do	.....	
	Anchors	May 17, 1866	do	do	580 30	do	do	.....	
	Copper	June 8, 1866	do	do	6, 250 07	do	do	.....	
	Boats	April 2, 1 66	do	do	191 44	do	do	.....	

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	Materials from wrecks	June	2, 1866	do	do	1866	00	do	do	
	Do	June	2, 1866	do	do	68	75	do	do	
Admiral S. C. Rowan	Do	June	5, 1866	do	do	390	73	do	do	
	Do	Dec.	5, 1866	do	do	2,240	99	do	do	
	Do	Mar.	26, 1867	do	do	2,055	00	do	do	
	Tools	April	11, 1867	do	do	277	60	do	do	
	Vessels	April	16, 1867	do	do	3,581	45	do	do	
	Wrecks	June	6, 1867	do	do	2,181	31	do	do	
	Stores	July	8, 1867	do	do	254	93	do	do	
	Materials from wrecks.	June	28, 1867	do	do	1,249	46	do	do	
Commodore A. H. Kilty	Refuse wood	Sept.	6, 1867	do	do	120	41	do	do	
	Wrecks	Oct.	10, 1867	do	do	16,901	50	do	do	
	Vessels	Oct.	15, 1867	do	do	6,400	00	do	do	
	Materials from wrecks.	Dec.	26, 1867	do	do	429	12	do	do	
	Do	Feb.	19, 1868	do	do	10	85	do	do	
	Refuse wood	Mar.	9, 1868	do	do	89	07	do	do	
	Materials from wrecks.	Mar.	9, 1868	do	do	179	05	do	do	
	Refuse wood	Mar.	30, 1868	do	do	22	35	do	do	
	Do	April	13, 1868	d	do	35	63	do	do	
	Materials from wrecks.	April	29, 1868	do	do	343	39	do	do	
	Refuse wood	April	29, 1868	do	do	37	70	do	do	
	Materials from wrecks.	May	6, 1868	do	do	3,629	84	do	do	
	Wrecks	May	29, 1868	do	do	4,150	00	do	do	
	Refuse wood	June	16, 1868	do	do	219	28	do	do	
	Materials from wrecks.	April	29, 1868	do	do	21	42	do	do	
	Refuse wood	July	10, 1868	do	do	33	91	do	do	
	Boats	Aug.	18, 1868	do	At appraised value.	550	00	do	do	
	Vessels	Sept.	10, 1868	do	Auction	9,924	75	do	do	
	Paints, tools, &c.	Aug.	5, 1868	do	do	231	82	do	do	
	Refuse wood	Sept.	5, 1868	do	do	13	06	do	do	
	Materials from wrecks.	Sept.	5, 1868	do	do	1,031	80	do	do	
	Do	Jan.	13, 1869	do	do	387	50	do	do	
	Boats	Jan.	13, 1869	do	do	27	04	do	do	
	Vessels	May	15, 1869	do	do	5,250	00	do	do	Tender after auction.
	Do	June	17, 1869	do	do	50,000	00	do	do	Do.
	Boats	June	9, 1869	do	do	838	75	do	do	
	1 stick timber	Nov.	10, 1869	do	At appraised value.	61	00	do	do	
	Refuse wood	April	21, 1870	do	Auction	2,064	59	do	do	
	Timber, &c	April	25, 1870	do	At appraised value.	146	51	do	do	
	Furniture	June	2, 1870	do	Auction	477	82	do	do	

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List of sales made under the cognizance of the Bureau of Construction and Repair since June 30, 1865—Continued.

By whom sold.	Character of property.	When.	Where.	Manner of making sales.	Amounts realized from sales.	Disposition made of proceeds of sales.	Who, when, and by whom drawn out.	What was done with the money drawn out.	Remarks.
Commodore A. H. Kilty—Continued.	Coal, wood, &c ..	July 5, 1870	Norfolk, Va	At appraised value.	$352 76	U. S. Treasury ..	Not drawn out.	.....	
	Boats, &c	Sept. 6, 1870	.....do	Auction...	838 99	.....do.....	.....do.....	.....	
Admiral C. H. Davis	Materials from wrecks.	Jan. 24, 1871	.....do	....do	168 98	.....do.....	.....do.....	.....	
	Tools, &c	Mar. 21, 1871	.....do	....do	313 16	.....do.....	..... do.....	.....	
	Materials from wrecks.	May 27, 1871	.....do	....do	216 40	.....do.....	.....do.....	.....	
	Refuse wood	July 17, 1871	.....do	....do	90 09	.....do.....	.....do.....	.....	
	Do	Sept. 20, 1871	.....do	....do	235 75	.....do.....	.....do.....	.....	
	Do	Dec. 7, 1871	.....do	....do	119 34	.....do.....	.....do.....	.....	
Commodore J. W. Livingston.	Vessels	Aug. 17, 1865	.....do	....do	548, 725 00	.....do.....	.....do.....	.....	
	Do	Aug. 17, 1865	.....do	....do	16, 350 00	.....do.....	.....do.....	.....	
	Iron	Sept. 12, 1865	.....do	....do	89, 977 68	.....do.....	.....do.....	.....	
	Barges.....	Sept. 12, 1865	.....do	....do	6, 280 00	.....do.....	.....do.....	.....	
	Launch	Sept. 13, 1865	.....do	....do	75 00	.....do.....	.....do.....	.....	
	Furniture.....	Sept. 19, 1865	.....do	....do	4, 055 26	.....do.....	.....do.....	.....	
	Vessels	Sept. 25, 1865	.....do	....do	49, 000 00	.....do.....	.....do.....	.....	
	Wrecked machinery.	Oct. 6, 1865	.....do	....do	2, 400 00	.....do.....	.....do.....	.....	
	Furniture.....	Oct. 9, 1865	.....do	....do	62 00	.....do.....	.....do.....	.....	
	Roofing	Nov. 24, 1865	.....do	....do	20 00	.....do.....	.....do.....	.....	
	Lumber.....	Nov. 29, 1865	.....do	....do	13, 748 98	.....do.....	.....do.....	.....	
	Iron, chains, &c.	Nov. 29, 1865	.....do	....do	55, 876 11	.....do.....	..... do.....	.....	
	Timber	Nov. 29, 1865	Mound City, Ill	....do	18, 216 38	.....do.....	.....do.....	.....	
	Boats	Nov. 29, 1865	.....do	....do	1, 252 60	.....do.....	.....do.....	.....	
	Vessels	Nov. 29, 1865	.....do	....do	89, 450 00	.....do.....	.....do.....	.....	
	Furniture	Dec. 11, 1865	.....do	....do	2, 613 17	.....do.....	.....do.....	.....	
	Hospital barge..	Dec. 11, 1865	.....do	....do	800 00	.....do.....	.....do.....	.....	
Commodore J. F. Schenck....	Boats	Dec. 29, 1865	.....do	....do	75 00	.....do.....	.....do.....	.....	
	Boats, &c.....	Jan. 1–31, 1866	.....do	....do	3, 078 97	.....do.....	.....do.....	.....	
	Do..... ..	Feb. 1–28, 1866	.....do	....do	623 32	.....do.....	.....do.....	.....	
	Do	Mar. 1–31, 1866	.....do	....do	2, 280 04	.....do.....	.....do.....	.....	
	Copper	Mar. 7, 1866	.....do	....do	404 25	.....do.....	.....do.....	.....	
	Brass	Mar. 8, 1866	.....do	....do	5, 733 58	.....do.....	.....do.....	.....	
	Boats	Mar. 20, 1866	.....do	....do	45 00	.....do.....	.....do.....	.....	
	Vessels	Mar. 29, 1866	.....do	....do	13, 976 00	.....do.....	.....do.....	.....	

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	Furniture	[illegible]	[illegible], 1866	do	do	[illegible]	do	do		
	Boats	April	7, 1866	do	do	38	50	do	do	
	Do	April	30, 1866	do	do	211	00	do	do	
	Do	May	30, 1866	do	do	419	68	do	do	
	Do	June	15, 1866	do	do	99	00	do	do	
	Scrap-iron	Aug.	9, 1866	do	do	139	04	do	do	
	Pitch	Nov.	13, 1866	do	do	159	50	do	do	
	Boats	Nov.	14, 1866	do	do	45	00	do	do	
Admiral C. H. Poor	Boats	Dec.	20, 1866	do	do	619	50	do	do	
	Casks, &c	June	1, 1867	do	do	16	82	do	do	
	Mess-chests	Jan.	23, 1868	do	do	124	12	do	do	
Commodore H. Walke	Boats	Sept.	1, 1868	do	do	855	00	do	do	
	Iron	Jan.	30, 1872	do	do	116	45	do	do	
Engineer C. W. Loring	Iron	Nov.	10, 1865	Cincinnati, Ohio	do	211	00	do	do	
Commodore O. S. Glisson	Wreck of New Ironsides.	Dec.	15, 1866	Leagne Island, Pa	Contract	40,000	00	do	do	
Captain J. C. Howell	Chattanooga	Jan.	31, 1872	do	Auction	45,243	00	do	do	
Commodore E. Lanier	Iron	Aug.	6, 1866	Jefferson B'ks, Mo	do	354	53	do	do	
Commodore C. H. Poor	Materials from wrecks.	Mar.	30, 1867	St. Louis, Mo	do	422	10	do	do	
	Do	Sept.	16, 1867	do	do	185	69	do	do	
	Do	Oct.	15, 1867	do	do	499	12	do	do	
Lt. Commander W. C. Best	Boats, sails, &c	Oct.	7, 1865	Beaufort, N. C	do	1,021	80	do	do	
	Vessels	Oct.	17, 1865	do	do	2,006	02	do	do	
Commander Thos. H. Phelps	Lumber	April	28, 1866	do	do	251	33	do	do	
Commander E. Barrett	Boats	Feb.	26, 1867	do	do	20	00	do	do	
Captain L. C. Sartori	Masts	Oct.	23, 1866	Fort Macon, N. C	At appraised value.	115	00	do	do	
Captain E. Barrett	Manila rope	Nov.	3, 1866	do	do	25	00	do	do	
	Sundries	Dec.	15, 1866	do	do	543	50	do	do	
Commodore J. Lanman	Vessels	May	23, 1866	Wilmington, N. C	Auction	850	00	do	do	
	Wrecks	Mar.	13, 1867	do	do	3,535	00	do	do	
Master H. Vaughn	Materials from wrecks.	May	26, 1868	do	do	264	90	do	do	
	Do	June	30, 1868	do	do	290	90	do	do	
	Do	Aug.	29, 1868	do	do	106	14	do	do	
Admiral W. Radford	Vessels	Sept.	2, 1865	Bay Point, S. C	do	18,855	00	do	do	
Commodore J. Lanman	Boats	Jan.	15, 1866	do	do	1,095	00	do	do	
	Lumber, &c	Sept.	25, 1866	do	do	9,175	13	do	do	
	Boats	Oct.	17, 1866	do	do	535	00	do	do	
	Do	Nov.	20, 1866	do	do	187	50	do	do	
	Do	Dec.	3, 1866	do	do	66	25	do	do	
	Coal, timber, &c	Dec.	5, 1866	do	do	3,782	75	do	do	
Admiral J. S. Palmer	Boats	Jan.	9, 1867	do	do	625	00	do	do	
	Do	Jan.	25, 1867	do	do	175	00	do	do	
	Furniture	Feb.	28, 1867	do	do	1,122	35	do	do	
Lt. Commander R. L. Law	Vessels	Nov.	30, 1865	Port Royal, S. C	do	5,140	00	do	do	
	Vessels, &c	Jan.	15, 1866	do	do	15,915	00	do	do	
Captain G. M. Ransom	Iron	Sept.	2, 1865	Key West, Fla	do	294	06	do	do	
	Boats	Oct.	25, 1865	do	do	992	52	do	do	
Captain J. F. Armstrong	Vessels	Aug.	28, 1866	Pensacola, Fla	do	12,000	00	do	do	Tender after auction.
	Do	Aug.	28, 1866	do	do	2,836	00	do	do	

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List of sales made under the cognizance of the Bureau of Construction and Repair since June 30, 1865—Continued.

By whom sold.	Character of property.	When.	Where.	Manner of making sales.	Amount realized from sales.	Disposition made of proceeds of sales.	Who, when, and by whom drawn out.	What was done with the money drawn out.	Remarks.
Captain J. F. Armstrong—Continued.	Vessels	April 27, 1867	Pensacola, Fla	Auction	$2,411 00	U. S. Treasury	Not drawn out		
	Boats	July 18, 1867	do	do	209 25	do	do		
	Do	Jan. 15, 1868	do	do	166 94	do	do		
Commodore Thos. B. Green	Boats, &c	Dec. 4, 1868	do	do	26 74	do	do		
	Vessels	June 4, 1869	do	do	7,150 00	do	do		
	Do	Sept. 7, 1869	do	do	3,000 00	do	do		
	Scrap-iron	Nov. 2, 1869	do	do	1,975 89	do	do		
Commodore E. Middleton	Launch	Dec. 7, 1870	do	do	400 00	do	do		
Master H. Vaughn	Materials from wrecks.	Nov. 9, 1865	Charleston, S. C.	do	122 76	do	do		
Chief Engineer Chassaing	Confiscated property.	Nov. 9, 1865	do	do	1,909 66	do	do		
Commodore Joseph Lanman	Materials from wrecks.	Mar. 19, 1866	do	do	214 14	do	do		
	Do	May 2, 1866	do	do	501 32	do	do		
	Do	May 2, 1866	do	do	48 06	do	do		
	Do	May 2, 1866	do	do	52 99	do	do		
	Do	Sept. 5, 1866	do	do	1,793 50	do	do		
	Do	May 4, 1866	do	do	482 06	do	do		
	Do	May 18, 1866	do	do	223 37	do	do		
	Do	June 25, 1866	do	do	32 04	do	do		
	Do	July 5, 1866	do	do	286 30	do	do		
	Do	July 13, 1866	do	do	37 50	do	do		
	Iron	July 30, 1866	do	do	4,000 00	do	do		
	Do	Aug. 20, 1866	do	do	3,207 76	do	do		
	Materials from wrecks.	May 16, 1866	do	do	549 39	do	do		
	Do	May 18, 1866	do	do	705 45	do	do		
	Do	Aug. 13, 1866	do	do	18 00	do	do		
	Do	Oct. 22, 1866	do	do	140 84	do	do		
	Do	Nov. 28, 1866	do	do	119 15	do	do		
	Do	Mar. 13, 1867	do	do	33 80	do	do		
	Do	April 5, 1867	do	do	113 05	do	do		
	Do	Aug. 5, 1867	do	do	134 78	do	do		
	Do	Sept. 26, 1867	do	do	183 45	do	do		
	Do	Jan. 6, 1868	do	do	58 04	do	do		
Commander Edward Stone	Do	June 26, 1868	do	do	141 63	do	do		

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Commander John Madigan	Do	May	19, 1865	do	do	27 57	do	do	
	Vessels	Nov.	8, 1865	do	do	177 57	do	do	
	Do	Oct.	25, 1865	do	do	7,975 00	do	do	
	Do	Nov.	21, 1865	do	do	4,390 00	do	do	
	Do	Dec.	11, 1865	do	do	1,433 00	do	do	
	Do	Dec.	30, 1865	do	do	7,997 50	do	do	
	Iron	Jan.	10, 1866	do	do	5,898 40	do	do	
	Chains, &c	Jan.	23, 1866	do	do	1,697 21	do	do	
	Materials from wrecks.	Feb.	20, 1866	do	do	110 00	do	do	
	Wrecks	Mar.	13, 1866	do	do	990 76	do	do	
	Iron-plating	Mar.	27, 1866	do	do	800 00	do	do	
Commander John Downes	Vessels	Aug.	15, 1865	New Orleans, La	do	1,248 00	do	do	
Lt. Commander W. Mitchell	Do	Aug.	15, 1865	do	do	4,303 38	do	do	
	Do	Aug.	24, 1865	do	do	98,007 50	do	do	
	Do	Oct.	5, 1865	do	do	21,890 00	do	do	
Commander J. A. Williamson	Boats, lumber, &c	April	10, 1866	do	do	25,870 00	do	do	
Lt. Commander W. Mitchell	do	Jan.	4, 1866	do	do	113 00	do	do	
Commander J. A. Williamson	do	Mar.	13, 1866	do	do	4,554 77	do	do	
	Vessels	Mar.	28, 1866	do	do	3,203 00	do	do	
Commodore J. A. Winslow	Do	April	25, 1866	do	do	27,019 56	do	do	
Lt. Commander Ed. Stone	Do	July	18, 1866	do	do	1,998 70	do	do	
Captain F. S. Haggerty	Do	Nov.	22, 1867	do	do	981 90	do	do	
	Iron	Mar.	7, 1868	do	do	20,467 10	do	do	
	Lead	Mar.	7, 1868	do	do	41 92	do	do	
	Vessels, Oneota and Catawba.	April	2, 1868	do	do	407 20	do	do	
	Vessels	Oct.	12, 1868	do	do	755,000 00	do	do	
Captain T. F. Armstrong	Boats	Feb.	17, 1870	do	At appraised value.	17,000 00	do	do	
	Boats, tools, &c	May	16, 1870	do	Auction	269 00	do	do	
Captain W. Ronckendorff	Furniture	Nov.	27, 1871	do	do	301 50	do	do	
Commodore J. A. Winslow	Iron	Oct.	1, 1866	Bayou Teche, La	At appraised value.	92 55	do	do	
Captain D. McDougal	Vessels	Aug.	15, 1865	Mare Island, Cal	Auction	1,710 00	do	do	
Admiral T. T. Craven	do	May	14, 1867	do	do	31,133 33	do	do	
	Iron	July	5, 1867	do	do	15,000 00	do	do	
Commodore J. Alden	Furniture	Dec.	15, 1868	do	do	25 89	do	do	
Commo. J. R. Goldsborough	Boats, copper, &c	April	11, 1870	do	do	270 50	do	do	
	Tools	May	4, 1870	do	do	519 35	do	do	
	Vessels	Nov.	17, 1870	do	Departm't	2,247 97	do	do	
Commodore E. G. Parrott	Iron	April	17, 1871	do	Auction	30,000 00	do	do	
	Vessels	Mar.	14, 1867	Savannah, Ga	do	2,129 56	do	do	
	Materials from wrecks.	April	6, 1868	do	do	5,313 75	do	do	
	Do	Sept.	23, 1868	do	do	127 88	do	do	
	Do	Sept.	21, 1868	do	do	18 00	do	do	
						476 11	do	do	
Total						10,344,066 19			

NOTE.—$1,064,235.77, received from sales, were expended, but as the sales were added to the balances it is impossible to tell which amounts were withdrawn.

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I.

Statement of receipts and expenditures of appropriations for the naval service from July 1, 1865, to July 1, 1871, and showing the balances on hand at the close of each fiscal year.

1865 AND 1866.	
Balance on hand July 1, 1865	$22, 409, 999 63
Appropriations for the fiscal year 1865 and 1866	119, 882, 928 75
Total available resources for the year ending June 30, 1866	142, 291, 919 [illegible]
Deduct expenditures for the fiscal year	43, 324, 58[illegible]
Leaving an unexpended balance on July 1, 1866, of	98, 967, 292 [illegible]
1866 AND 1867.	
Appropriations for current fiscal year	18, 978, 651 [illegible]
Total available resources	117, 944, 000 [illegible]
Deduct expenditures	31, 034, 011 [illegible]
Leaving an unexpended balance on July 1, 1867, of	86, 910, 049 [illegible]
1867 AND 1868.	
Appropriations for current fiscal year	16, 555, 705 [illegible]
Total available resources	103, 465, 754 [illegible]
Deduct this amount deposited to credit of surplus fund, September 30, 1867	65, 000, 000 [illegible]
Leaving an unexpended balance on October 1, 1867, of	38, 465, 754 [illegible]
Deduct expenditures	20, 120, 394 [illegible]
Leaving an unexpended balance on July 1, 1868, of	18, 345, 360 [illegible]
1868 AND 1869.	
Appropriations for the current fiscal year	17, 356, 350 [illegible]
Available resources	35, 701, 710 [illegible]
Less this amount turned over to the surplus fund	1, 129, 694 [illegible]
Total available resources	34, 572, 015 [illegible]
Deduct expenditures	20, 027, 123 [illegible]
Leaving an unexpended balance on July 1, 1869, of	14, 544, [illegible]
1869 AND 1870.	
Appropriations for current fiscal year	15, 870, 571 [illegible]
Total available resources	30, 415, [illegible]
Deduct expenditures	21, 536, 013 [illegible]
Leaving an unexpended balance on July 1, 1870, of	8, 879, 41[illegible]
1870 AND 1871.	
Appropriations for current fiscal year	19, 994, 637 [illegible]
Total available resources	28, 854, 04[illegible]
Deduct expenditures	18, 646, 19[illegible]
Leaving an unexpended balance on July 1, 1871, of	10, 2[illegible]7, 04[illegible]

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Statement of the sales of property by the different Bureaus of the Navy Department since June 30, 1865, and of the disposition of the proceeds.

	Amount of sales deposited in the United States Treasury.	Proceeds of sales expended.	Balances of unexpended appropriations covered into the Treasury.
BUREAU OF ORDNANCE, (papers marked A.)			
The sales of property under the cognizance of this Bureau from June 30, 1865, to February 2, 1872, the proceeds of which were deposited in the United States Treasury to the credit of appropropriation "Ordnance," amounted to	$985, 634 82	(See note *)	$3, 500, 000 00
*NOTE.—The proceeds of sales from June, 1865, to May, 1871, were deposited in the Treasury to the credit of appropriation "Naval ordnance," and were used, as other appropriations, under the act approved March 3, 1847.			
BUREAU OF EQUIPMENT AND RECRUITING, (papers marked B.)			
The sales of property under the cognizance of this Bureau since June 30, 1865, the proceeds of which were deposited in the United States Treasury to the credit of the appropriations of the Bureau, amounted to	577, 803 22	None	6, 633, 789 72
BUREAU OF YARDS AND DOCKS, (papers marked C.)			
The sales of property under the cognizance of this Bureau since June 30, 1865, the proceeds of which were deposited in the United States Treasury to the credit of the appropriations of the Bureau, amounted to	132, 778 95	None	951, 000 00
BUREAU OF NAVIGATION, (papers marked D.)			
The sales of property under the cognizance of this Bureau from July 1, 1865, to January 31, 1872, the proceeds of which were deposited in the United States Treasury to the credit of "the particular appropriation to which the articles had previously been charged," amounted to	52, 329 90	None	255, 627 91
NOTE.—By law of March 3, 1849, the Nautical Almanac is required to be sold at cost, for the benefit of navigators, and the proceeds deposited in the United States Treasury; which proceeds have, from the beginning, been used in part defrayment of the expense of publication, until, by a decision of the First Comptroller, in the fiscal year 1870-'71, any further use of the proceeds of sales, even for this publication, was precluded.			
BUREAU OF MEDICINE AND SURGERY, (papers marked E.)			
The sales of property under the cognizance of this Bureau since June 30, 1865, the proceeds of which were deposited in the United States Treasury, where they still remain, (except the sum of $615.59, used for repairs of naval hospitals at Chelsea, Massachusetts, Annapolis, Maryland, and Mare Island, California,) amounted to	3, 746 17	$615 59	.....
BUREAU OF PROVISIONS AND CLOTHING, (papers marked F.)			
The sales of property under cognizance of this Bureau from June 30, 1865, to January 1, 1872, the proceeds of which were deposited in the United States Treasury, amounted to	$565, 873 43		
The sales of property on foreign stations where deposits could not be made, the whole of which has been accounted for by pay-officers in the settlement of their accounts with the Treasury, amounted to	43, 092 15		
	608, 965 58	None	8, 500, 000 00
BUREAU OF STEAM ENGINEERING, (papers marked G.)			
The sales of property under cognizance of this Bureau from July 1, 1865, to February 1, 1872, the proceeds of which were deposited in the United States Treasury, amounted to	$218, 094 99	218, 094 99	.....

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Statement of sales of property by the different Bureaus, &c.—Continued.

		Amount of sales deposited in the United States Treasury.	Proceeds of sales expended.	Balances of unexpended appropriations covered into the Treasury.
BUREAU OF STEAM ENGINEERING—Continued.				
Amount transferred to the credit of this Bureau, on account of sales, from the Bureau of Construction and Repairs, and expended	*692, 850 00			
Total	910, 944 99			
Less unexpended balance sales deposited in the Treasury	52, 574 03			
		.....	$858, 370 96	.....
Amount deposited in the Treasury, to the credit of the surplus fund, September 30, 1869	14, 300, 000 00			
On deposit in the Treasury, (unexpended balance sales)	52, 574 03			
		.....	.....	$14, 352, 574 03
*NOTE.—No moneys derived from sales have been expended by this Bureau since July 1, 1870.				
BUREAU OF CONSTRUCTION AND REPAIR, (papers marked H.)				
The sales of property under cognizance of this Bureau since June 30, 1865, amounted to		$10, 344, 066 19	.....	.....
Amount of proceeds of sales transferred to surplus fund	$8, 448, 785 49			
Amount of proceeds of sales transferred to Bureau of Steam Engineering, (see above)	*692, 850 00			
Amount of proceeds of sales expended	1, 064, 235 77	.....	1, 064, 235 77	.....
Amount of proceeds of sales remaining in United States Treasury	138, 194 93			
Total	10, 344, 066 19			
Total amount transferred to the surplus fund November 30, 1867, being the unexpended balances of appropriations and of the above sales of property		.....	.....	28, 834. 576 29
RECAPITULATION.				
Total proceeds of sales deposited	$12, 923, 419 82			
Amount of unexpended balances of appropriations covered into the Treasury	63, 027, 567 95			
	75, 950, 987 77			
Total amount of proceeds of sales expended	1, 923, 222 32			
Total amount covered into the Treasury, it being the balance of proceeds of sales and of unexpended appropriations	74, 027, 765 45			
Receipts		12, 923, 419 82	.....	.....
Expenditures		.....	1, 923, 222 32	.....
Balances of appropriations turned in Treasury		.....	.....	63, 027, 567 95

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IMPROVEMENT IN CONNECTICUT RIVER.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of Representatives February 8, in relation to the improvement of the Connecticut River below Hartford.

APRIL 12, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 11, 1872.

The Secretary of War has the honor to transmit the accompanying report of Major G. K. Warren, Corps of Engineers, upon the improvement of the Connecticut River below Hartford, to the House of Representatives, in compliance with the resolution of February 8, and in connection with a previous report from the same officer upon the improvement of the above-named river above Hartford, forwarded on the 13th February.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 20, 1872.

SIR: Referring to letter from this office of the 10th instant, transmitting, in compliance with the resolution of the House of Representatives of the 8th instant, copy of the report of Major G. K. Warren, Corps of Engineers, on the improvement of the Connecticut River above Hartford, and below Holyoke; and, in connection therewith, I beg leave to transmit a copy of a report from the same officer, upon the improvement of the Connecticut River below Hartford.

It is respectfully suggested that this report be transmitted to the House of Representatives, in further compliance with the resolution above referred to.

Very respectfully your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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ENGINEER OFFICE, U. S. ARMY,
Newport, R. I., February 12, 1872.

GENERAL: I have the honor to make the following report, and to transmit herewith the detailed report of General Theo. G. Ellis, civil engineer, of the improvement of the Connecticut River below Hartford, between July 1 and December 31, 1871.

A table at the end of this report gives the kind and amount of work done at different places and the months in which it was done. There are six maps on tracing-cloth showing the localities, with the parts worked upon shown in colors by months, and with figures indicating quantities.

Of the appropriation of $35,000, approved March 3, 1871, there remains a balance on hand of about $10,500, which will be applied to the further improvement of the channel during the coming season.

Mr. W. D. Daisley, whose proposal to remove Chester Rock at $20 per cubic yard was accepted, gave up the work after a short trial, and would not execute the contract.

As he was incompetent to do the work, and appears to have undertaken it in good faith, I have not thought it proper to do anything with him. There is about 130 cubic yards to be removed to make nine feet at low water, and about 180 cubic yards to make ten feet at low water.

The Connecticut River below Hartford affords now a channel-way at low water of from 7½ to 8 feet deep, but it will probably require an annual expenditure for dredging to maintain this capacity; for the banks are subject to abrasion in many places, and channels already made are liable, to silt up. It is much desired to have an increased depth on the bar at the mouth of the river, which at present does not exceed 7 feet. Any work that will materially effect this must be expensive, and it is recommended that preliminary thereto a survey should be carefully made to ascertain the nature of the causes producing and maintaining this shoal.

Yours, respectfully,

G. K. WARREN,
Major Engineers and Brevet Major General, U. S. A.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers U. S. Army, Washington, D. C.

IMPROVEMENT OF THE CONNECTICUT RIVER.

General report of operations below Hartford, from July 1 *to December* 31, 1871.

The necessary surveys and superintendence upon the improvement of the Connecticut River below Hartford have been made in connection with the work above Hartford and the surveys for the improvement of Enfield Rapids. The same party was employed upon all as convenience in the direction of the work required.

The engineer in charge has directed the operations below Hartford, and visited the several places where work was in progress as often as requisite. He has also made the necessary computations and prepared drawings for laying out the work, and has done such other office business as the work demanded.

From July 1st to the 13th a new map of Hartford Bar, from surveys made in May and June, was plotted in the office. On the 5th and 6th range-stakes for the dredging were set at Hartford Bar. From the 23d

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to the 28th a new survey was made of Chester Rock. On the 29th, 30th, and 31st stakes were set for the line of piling at Hartford Bar.

On August 3d and 4th the lines were laid out for the dredging at Glastonbury Piers, and on the 16th levels were given for the piling at Hartford Bar.

On November 6th, 7th, and 8th stakes were set for the dredging at Pistol-Point Bar. Levels were also taken to reset the gauge at Middletown. From the 23d to the 30th permanent stone reference points were set at Hartford Bar, Pratt's Ferry, Glastonbury Piers, and Pistol-Point Bar. These stones had been previously taken to the several points, and the holes dug ready for the posts to be accurately set. The stones are 3½ feet long, squared to 4 inches at the top, with a hole drilled in the center, filled with wooden plugs, having a copper nail to indicate the exact point. The position of these stones and their heights above low water are shown on the maps of the places before mentioned.

During the time from July 1st to December 1st the heights of the river at the Hartford gauge has been taken three times daily at about the hours of 8 a. m., 12 m., and 5½ p. m. The following miscellaneous office work has also been done:

Plot of Chester Rock.

Tracings of Hartford Bar, Pratt's Ferry, and Clay Banks.

Drawings and tracings, showing the currents of river through the bridges at Middletown and Lynn.

The map of the river below Hartford has been completed.

New maps of Glastonbury Piers from more recent surveys.

Finished map of Pratt's Ferry.

Copy of sheet No. 7, Mouse Island, &c., the original of which was lost.

Finished map of the new survey of Hartford Bar.

Finished maps of Chester Rock.

Also, tracings showing progress of work, and other necessary drawings and tracings.

After the river was closed by ice, the boats, oars, &c., were got together at Hartford, repaired and painted, so as to be in good condition for next season. Two inspectors have been permanently employed upon the work below Hartford, with two dredges to measure the work. While the work at Chester Rock was in progress, from the 21st of August to the 20th of September, an extra inspector was temporarily taken from the field-party.

At Hartford Bar, the dredging for widening the channel continued from July 1st to November 5th, when the proposed channel of 200 feet wide and 8 feet below extreme low water, or 9½ feet below ordinary low water, was finished. For the greater part of the distance the actual width taken out is 210 feet. The dredging-machine used was a large one, with side-scoops on endless chains, 25 feet apart, so that the dredge moved laterally 25 feet to cut a complete channel 50 feet wide. A part of the work was done early in the season by a smaller Osgood dredge, cutting about 30 feet wide, and taking two cuts, which made an even number of cuts with the large machine run over the 200 feet. This is shown on the accompanying tracing. The amount of work done in each month, at this place, is as follows:

	Cubic yards.
July, earth excavated	10,597
August, earth excavated	12,783
September, earth excavated	13,309
October, earth excavated	11,702
November, earth excavated	1,532
Total	40,923

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The line of piling shown on the map of Hartford Bar was commenced on August 4th, and continued until about the 20th of October. This work was let by contract to Emory R. Seward, of Albany, New York, to be commenced October 1, 1870, and completed June 1, 1871. He failed to do the work at the specified time, but afterward employed John MacClay & Son, of Hartford, Connecticut, to do the work. This they have done, with the exception of bolting some of the inclined spur-shores to the vertical line of piling, and a little other finishing up of the work. The whole number of piles driven is 547, of which 68 are less than 12 inches diameter, after being driven and cut off, and are not included in the estimate. As, however, the work is generally well-done, and the contract price less than the work could be done for, I would recommend that it be accepted as it is, if the whole is finished satisfactorily. The little remaining to be done has been delayed by high water, but will be completed in January, 1872.

The number of piles driven, and allowed each month, is as follows: The 68 less than 12 inches do not, in my opinion, come up to a fair construction of the specification, and are not included.

	No. of piles.
August,	1[illegible]
September	1[illegible]
October	11[illegible]
Total	47[illegible]

The work of dredging the channel at the Clay Banks was done from July 26 to August 3. It is for a short distance, and about 100 feet wide. The depth is 8 feet at the lowest water. To make the channel at this point much wider is unnecessary, as for some distance below it is quite narrow. A great amount of dredging would be required, with perhaps no benefit to navigation, as it would diminish the depth of water. The small stone-heaps, marked H on the map, was removed by the steamboat company previous to the Government work being commenced. The quantities removed at this place, are as follows:

	Cubic yards.
July, earth excavated	2,17[illegible]
August, earth excavated	1,2[illegible]
Total	3,3[illegible]

At the old pier, marked I on the map, dredging was commenced August 8, but the dredge being sent to Chester Rock, it was discontinued until the 21st, when it was resumed and finished on September 1. This dredging was to remove the obstruction caused by the old stone pier.

The quantities removed at this place are as follows:

Months.	Earth.	Loose rock.
	Cubic yards.	*Cubic yards.*
August	1,469	1,5[illegible]
September	192	1[illegible]
Total	1,661	1,7[illegible]

The work at pier J was commenced September 2, and completed on the 7th. Like the preceding, this was to remove the obstruction caused

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by the old stone pier. The quantity taken out at this point is as follows: September, earth, 1,668 cubic yards; loose rock, 650 cubic yards.

At Pratt's Ferry Bar, dredging was done to widen the channel already made, from July 11 to 25th, and from August 3 to the 7th, as shown on the maps. The quantities taken out at this place are as follows: July, earth excavated, 4,867 cubic yards; August, earth excavated, 1,100 cubic yards—total, 5,967 cubic yards.

At the piers and bar at South Glastonbury, dredging was commenced on September 8, and completed November 23. This dredging was to straighten the channel, and remove the cause of the obstruction, by taking out part of the large stone piers, as shown on the accompanying maps. The quantities taken out at this place are as follows:

Months.	Earth.	Loose rock.
	Cubic yards.	*Cubic yards.*
September	10,176	491
October	13,986	24
November	8,736	297
Total	32,898	812

Work was commenced at Pistol-Point Bar on the 24th of November, and was stopped by ice on the 29th. The quantity taken out at this place is as follows: November, earth excavated, 2,154 cubic yards.

All of the foregoing dredging has been taken out 8 feet below the lowest water, or 9½ feet below the ordinary low level of the river in the dryest time in the summer months.

At Chester Rock a deep trench was dredged out around the part of the rock to be removed, to facilitate the operations of the contractor. This was done between August 9 and 16th. The contractor, however, did little toward removing the rock. He removed such loose portions as he could without blasting, and afterwards drilled four small holes, which he blasted on the 29th and 30th of August. They displaced, however, very little of the solid rock. The contractor did very little afterward, and on the 18th of September packed up and left with his schooner and tools. The quantities taken out at this place are as follows:

Months.	Earth.	Solid rock.
	Cubic yards.	*Cubic yards.*
August	1,703	16.4
September	.....	8.8
Total	1,703	25.2

Accompanying this report are tracings, showing the work done in each month from July 1 to December 1, 1871, and also work previously done (colored in red) at the following places: Hartford Bar; Clay Banks Bar; Pier I; Pier J; Pratt's Ferry Bar; South Glastonbury piers; Pistol-Point Bar; Chester Rock, and a tabular statement of work done.

All of which is respectfully submitted.

THEO. G. ELLIS,
Civil Engineer.

Gen. G. K. WARREN,
Major of U. S. Engineers.

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IMPROVEMENT OF THE CONNECTICUT RIVER.

Tabular statement of work done below Hartford from July 1 to December 31, 1871.

1871.	Hartford Bar.		Pratt's Ferry.	Clay Banks.	Pier I.		Pier J.	
	Earth.	No. of piles.	Earth.	Earth.	Earth.	Loose rock.	Earth.	Loose rock.
	Cu. yds.		*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*
July	10, 597	.....	4, 867	2, 173	.....	.....	.....	.....
August	12, 783	180	1, 100	1, 220	1, 469	1, 580	.....	.....
September	13, 309	187	.....	.....	192	121	1, 668	6
October	11, 702	112	.....	.....	.....	.....	.....	.....
November	1, 532	.....	.....	.....	.....	.....	.....	.....
December *	.....	.....	.....	.....	.....	.....	.....	.....
Total	49, 923	479	5, 967	3, 393	1, 661	1, 701	1, 668	6

1871.	South Glastonbury Pier.		Pistol Point.	Chester Rock.		Total for month.			
	Earth.	Loose rock.	Earth.	Earth.	Solid rock.	Earth.	Loose rock.	Solid rock.	No. of piles.
	Cu. yds.	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	*Cu. yds.*	
July	.....	.....	.....	.....	.....	17, 637	.....	.....	.....
August	.....	.....	.....	1, 703	16. 8	18, 275	1, 580	16. 4	18
September	10, 176	491	.....	.....	8. 8	25, 345	1, 262	8. 8	18
October	13, 986	24	.....	.....	.....	25, 688	24	.....	18
November	8, 736	297	2, 154	.....	.....	12, 422	297	.....	.....
December *	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	32, 898	812	2, 154	1, 703	25. 2	99, 367	3, 163	25. 2	72

* No work done in this month. River closed.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 252.

SURVEY OF CERTAIN RIVERS IN THE SOUTHERN STATES.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The survey of certain rivers in the Southern States.

APRIL 12, 1872.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April* 10, 1872.

The Secretary of War has the honor to transmit to the United States Senate and House of Representatives, in compliance with the requirements of the third section of the act of March 3, 1871, providing for certain public works, in addition to others heretofore submitted, copies of the reports of the engineer surveys of the rivers named in the accompanying letter of the Chief of Engineers submitting them.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 9, 1872.

SIR: I beg leave to submit the following additional reports of surveys made in compliance with the requirements of the third section of the act of March 3, 1871, making appropriations for certain public works on harbors and rivers, viz:

1. Ouachita River, from Trinity, Louisiana, to Camden, Arkansas.
2. White River, from Buffalo Shoals, Arkansas, to the mouth of James Fork, Missouri.
3. Black River, Missouri, to Poplar Bluff.
4. Bayou Bartholomew, from its mouth to the State line of Arkansas.
5. Fourche la Faive, in Arkansas.
6. Mouth of Licking River, Ohio.
7. Tampa Bay, Florida.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

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1. *Ouachita River, from Trinity, Louisiana, to Camden, Arkansas.*

ENGINEER OFFICE UNITED STATES ARMY,
1122 *Pine street, Saint Louis, Missouri, March* 15, 1872.

GENERAL: I have the honor to forward herewith the report of Clement Smith, civil engineer, of a survey of the "Ouachita River, from Trinity, Louisiana, to Camden, Arkansas," together with estimates of the cost of improving navigation, so as to give not less than four feet of water at all times.

Agreeing, as I do, with M. Smith's opinion, that a lock and dam improvement is demanded by the wants of the country, I have endeavored to have the dimensions of the locks such that, by adapting the boats to their capacity, the wants of commerce would be met with the least expenditure.

The first estimates were for 5 locks, having an average lift of 14 feet, 49 feet wide, and 250 feet between miter-sills. The estimated cost of 5 such locks, built of cut stone, with suitable dams and abutments, is $2,194,916 35. If timber is used instead of stone for the lock-walls the estimated cost is $1,163,083 75.

Estimates were then made for locks of the same average lift, and 40 feet wide, and 200 feet long; the estimated cost of which, built of stone, is $1,995,649 15, a saving of only about 10 per cent.

When the stage of water is such that it will pass over the dams without a fall, boats can of course pass up without using the locks, provided the depth of water on the crest of the dam is sufficient. The aim has been to make the walls so high that the lock will be available until this stage occurs; during this extreme high water boats of larger dimensions than the locks could, and doubtless would, navigate the stream, and the time during which this would be practicable would of course be lengthened by diminishing the height and increasing the number of dams.

To discuss the subject more fully, I have had estimates made of the cost of 10 dams, 7 feet in height, with locks of corresponding lift—40 feet wide, and 200 feet long. The estimated cost, if the locks are of stone, is $2,595,114 90, or $400,198 55 more than 5 locks of double the height. The increased time which this would allow large boats to run would hardly justify the additional expense.

The difference between locks 40 by 200 and 49 by 250 being only about 10 per cent., the larger size is preferable. If timber, which it is believed will last twenty-five years, is used for the walls, instead of stone, the estimated cost is decreased by nearly one-half. Such locks would meet the requirements of commerce while they lasted, and when decayed could easily be rebuilt or replaced with stone if then thought desirable.

The estimates given are as low as it is safe to make for work in a region affording so few facilities as that in which this will have to be done.

Respectfully submitted.

W. F. RAYNOLDS,
Lieutenant Colonel Corps of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers U. S. A., Washington, D. C.

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SAINT LOUIS, MISSOURI,
February 15, 1872.

SIR: I beg leave, very respectfully, to submit this my report of the "survey of the Ouachita River," made last summer under the instructions contained in your letter of the 3d of July, 1871.

The following papers accompany this report:

1. A profile of the first reach, showing the channel of the river, the surface of low summer water, the high freshet line, the height of the banks, and the surface of the pools when the improvements shall have been completed with five locks.

2. An estimate of the cost of making the improvement with locks, 49 by 250 feet, constructed of stone.

3. An estimate of cost with five locks, 49 by 250 feet, of timber.

4. An estimate of the cost of making the improvement with five locks, 40 by 250 feet, of stone.

5. An estimate of the cost of making the improvement with ten locks, 40 by 200 feet, of stone.

The survey was commenced at Trinity, Louisiana, on the 8th of August, 1871, but owing to high water little progress was made until the 1st of September, when Catahoula Shoals, a distance of 22½ miles, were reached. On the 3d of November, though much retarded by sickness, the party reached Camden, Arkansas, the terminus of the survey.

The Ouachita River descends with a very gentle slope from Camden to Trinity, and, joining the Tensas and Little Rivers at that point, forms the Black River, which discharges its waters into the Red River.

The distance between the two places is 297.18 miles, and the fall during low summer water 66.2 feet, or at the rate of .23 foot to the mile. This fall is distributed over a succession of pools and shoals, the first varying in depth from 3 to 30 feet, and in some cases being more than 150 feet—the length of the sounding-line; and the latter having a least depth of 12 to 15 inches in very narrow channels.

These shoals constitute natural dams extending across the river, and are formed generally of gravel.

The width of the surface, during the low summer water, ranges from 100 to 800 feet.

During the high water of winter and spring large boats run to Camden, but during the summer and fall months navigation to that place is suspended.

Practically, navigation above Monroe is limited to six months in the year, and to Monroe to seven months; it is continuous during the year to Harrisonburgh, but for small boats only during the fall months.

On the lower part of the river the banks are generally high, ranging from 30 to 45 feet; but in many places they are overflown during high freshets. Above Ouachita City they decrease in height above low water; and vast tracts of land between that place and Camden are yearly inundated by moderate freshets.

It will be observed, by reference to the profile of the river, that while the difference between the levels of the low-water surface at Camden and Trinity is 66.20 feet, the difference between the high-freshet levels at those two points is only 43 feet.

This piling up of the water on the lower parts of the river is in part attributable to the decreased slope, and partly to the great volume of water poured into the Ouachita by the Bayou Bartholomew, which it receives from the Mississippi, during high water, through the breach in the levee near Lake Providence.

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If this breach could be repaired a large body of land now uncultivated could be reclaimed.

Timber of all kinds abounds along the banks of the river and its tributaries, and large quantities are yearly rafted to market.

At one or two points on the upper part of the river veins of brown coal outcrop near the low-water surface on the banks. They are about 3 feet thick.

The motive for the improvement of this river is, chiefly, to facilitate the shipment of cotton and the return of plantation supplies, nearly all of the latter of which are brought from the Northwestern States.

The country that will be tributary to this river is, perhaps, unrivaled in the United States in its adaptability to the production of cotton. The climate and the soil are both eminently adapted to it, and in the face of difficulties interposed, by remoteness from market and the want of proper means of transportation, the production goes on increasing beyond the increase of population.

In the State of Arkansas alone there are fifteen million acres of cotton land, of which ten million acres are bottom land. Such soil does not fail in any year, under tolerable cultivation, to produce more cotton than can be gathered by so sparse a population.

That State, once fully settled up and entirely under cultivation, is capable of a yearly production of cotton considerably greater than the present supply from the whole world.

At present, the planter in South Arkansas pays an average of at least 20 per cent. on the value of his cotton to get it to market, when it bears a high price, and more than that when it is low, and has to submit to a like tax in getting back his plantation supplies.

The improvement of this river, by which regular transportation at low rates will be secured throughout the year, will lead to the construction of railroads and turnpikes, connecting it with the cotton region in every direction. The Red River raft will be effectually flanked by a railroad now projected from Camden, about 60 miles in length, which will be constructed on or before the completion of the river improvements, and the whole of the fine cotton-producing country for many miles south of that river will find an outlet at cheap rates by a direct route to market.

As before stated, navigation to Camden is limited to six months in the year. During two months of these six it is so uncertain that, practically, it is limited to four months, during which the prudent merchant and farmer, when they have the means of doing so, lay in their supplies for the succeeding season of eight months.

In addition to the large capital required to transact business of this kind, there is great risk from fire, and certain loss from decay and the attacks of insects, &c.

But in many cases the planter, from lack of means to purchase so much in advance of his wants, is compelled to haul his cotton to distant points during the suspension of navigation on the Ouachita, at an expense of $10, $15, and, in some cases, $20 per bale, and to bring back his plantation supplies at the same extravagant rates. Such a tax on productions would seem sufficient cause for the depopulation of the country.

The following statement of the quantity of cotton annually shipped from the Ouachita River was furnished to me by gentlemen of experience, and I think it may be relied on as approximating pretty nearly to the truth :

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	Bales.		Bales.
Camden	30,000 to 40,000	Alabama Landing	2,000
New Port	1,500	Bayou Bartholomew	10,000
Little Bay	1,500	Russel Landing	600
Miller's Bluff	2,000	Morehouse Point	600
Avery's Landing	400	Ouachita City	1,500
Boark's Landing	600	Trenton	20,000
El Dorado Landing	2,000	Monroe	9,000
Champagnolle	2,200	Columbia	8,000
Wilmington	1,500	Bœuf River	5,000
Moro Landing	2,500	Harrisonburgh	6,000
Pigeon Hill	1,000	Trinity	6,000
Caryville	12,000	Plantations along the river	15,000
Marie Saline	5,000		
Roland's Raft	1,200	Total	157,100

About 125,000 bales go direct to New Orleans.

Camden, as will be seen by the above, is the principal place of shipment, the quantity of cotton sent from that point being rather more than one-fourth of the whole quantity sent to market by the river.

It is the center of trade for Pike, Clark, Hot Springs, Dallas, Hempstead, Sevier, Calhoun, and Bradley Counties.

Should the improvement of the river be completed, the following additional counties will find their best and cheapest outlet through the same place: Ashley, La Fayette, Polk, Montgomery, and also the whole country of the Choctaw and Chickasaw Indians lying north of Red River, and the two tiers of counties in Texas south of Red River, all of which will be connected with the river by the proposed railroads to Camden.

Camden, now one of the most industrious and prosperous little towns in the country, will become the center of a vast commerce and one of the great cities of the Southwest if the proposed improvements should be made.

I gauged the river near Monroe, at a time when it was reported to be about 10 to 12 inches above its lowest stage, and found the discharge to be a little more than 800 cubic feet per second. It was my intention to gauge it again at Camden, but the wind, during my stay at that place, was too high to allow me to do so. While it was evident that there was abundant water for the supply of locks for any possible amount of business on the river, it was quite as evident that there was not enough for any other mode of improvement than that by locks and dams, which would give continuous navigation to Camden.

Allowing 200 cubic feet per second as the increased discharge due to the 12 inches of elevation of the water above its lowest summer level, there would remain 600 cubic feet as the discharge of the river at Monroe during the low stages.

As the affluents between Camden and Monroe, during the dry summer months, contribute but a small portion of the water that flows between those places, it will be safe to assume two-thirds of the quantity that flows past Monroe as the discharge of the river at Camden. This would leave 400 feet for the quantity passing Camden during low summer water per second; more than enough for any possible demand for the business that may be expected on the river at that point.

At this stage of the water a boat 250 by 49, by 4 feet displacement, could pass through the locks, which would be about 1,300 tons. The cargo of such a boat would be about 650 tons. If barges should be used, as most probably would be the case, as most suitable to the business, the cargo, with such a displacement, would be 975 tons. Allowing 5

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bales of cotton to the ton of 2,250 pounds, the cargo would be in the latter case 4,875 bales.

The quantity of water used in passing such a boat through the lock down the river would be about 125,000 cubic feet, and the time required would ordinarily be about 20 minutes.

The flow of the river at Camden, being about 400 cubic feet in its low summer stage, would in that time be 480,000 cubic feet, or more than three times as much water as would be required to pass the boat.

So that, making the most ample allowance for leakage, &c., there will be more than a supply of water for any amount of business that may be expected.

MODE OF IMPROVEMENT.

After a thorough examination of the river, I have come to the conclusion that, in consequence of the small quantity of water discharged during its low stages, the only practicable improvement which will secure the ends sought is that by locks and dams.

Five of these, with an average lift of 14 feet, will secure 4 feet of water during the lowest stages of the river in summer, and 7 to 8 feet during ordinary winter water.

With some slight work, navigation can be obtained at all seasons to Catahoula Shoals, and I propose to locate the first dam at that point.

A good foundation of gravel can be had at that point, and the banks are high and sufficiently stable. The dam will be about 600 feet long, and will give back-water to the second lock and dam, a distance of 82.4 miles.

The second lock and dam will be located at Taylor's Shoals, 82.4 miles distant from the first, where also a good gravel foundation can be had. The length of this dam will be about 660 feet, and the length of the pool created by it will be 41.26 miles.

The third lock and dam will be located at Rock Roe. At this point the lock will have a soft sandstone foundation. The dam will have a foundation partly of gravel and partly of sandstone. The length of the dam will be about 900 feet, and the pool created 77.17 miles.

The fourth will be at Jack's Island, where a gravel foundation can be had. The length of the dam will be about 1,000 feet, and the pool created 52.70 miles.

The fifth will be located at Buffalo Shoals, on a gravel foundation. The length of the dam will be about 400 feet, and the pool created will be 21.5 miles. This dam will give back-water some distance above Camden.

The locks will all be precisely of the same dimensions, viz, 30 feet high, and capable of passing boats 250 feet long and 49 feet wide. The average lift will be 14 feet.

The survey was somewhat hurriedly made, as the long detention of the party on the lower part of the river by high water left but little time during which it could be made with advantage.

The location of these dams may possibly, on a further examination, be advantageously changed.

COST OF THE IMPROVEMENT.

I have estimated the cost of completing the five locks and dams, if the locks should be constructed of stone, at $2,174,916 35.

As there is no stone of suitable quality for solid masonry on the river, it will have to be brought from a distance. If they should be of solid

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masonry, I have estimated for stone of the kind of which the locks at Louisville are constructed by the Government, a fine sandstone, brought from Vernon, Indiana. If they should be built of timber, the stone filling can be found at convenient points on the river. The cost will then be $1,163,083 75.

The dams I propose shall all be built of timber, as most suitable for the foundation to be had.

Timber locks will answer all the purposes of stone locks so long as they last, which will be about twenty-five years for that part above water.

The foundations being built precisely of the same material, and in the same way as those for the stone, and being always covered with water, will last for an indefinite period. The upper part of the lock wall can be readily repaired at a moderate expense.

The advantage to be derived by the Government by the completion of this improvement consists of the enhanced value of the public land in Southwestern Arkansas, now, in consequence of their inaccessibility, unsalable, but which will have a cheap outlet to market by the river, when it shall be made navigable at all seasons of the year, and the increased revenues which may be expected from the development of the resources of a wide area of country, almost unrivaled in its adaptability to the production of cotton.

The value of the annual crop now sent to market is at least ten million dollars, and the return of plantation supplies received from the Northwestern States, in the shape of manufactured goods, mules, flour, pork, bacon, and even corn, to some extent, probably amounts in value to two-thirds of this sum.

The encouragement which will be offered to increased cultivation by the cheap transportation which will be afforded by the river, when improved as proposed, will doubtless in a few years increase the value of the exports and imports to double the present amount.

Very respectfully, your obedient servant,

CLEMENT SMITH,
Civil Engineer.

General W. F. RAYNOLDS, U. S. A.,
Saint Louis, Missouri.

Estimate of cost of 5 locks, 250 by 49 feet, and dams for the Ouachita River, and contingent expenses, in making the same navigable to Camden, Arkansas, from Trinity, Louisiana.

LOCK OF MASONRY.

Coffer-dam, and preparing foundation for lock	$15,500 00
10,500 feet piling, at 30 cents	3,150 00
166,140 feet planks for foundation and flooring of lock chamber, at $40	6,645 60
14,014 feet of timber for foundation, at 35 cents	4,904 90
Miter-sills	280 00
73,584 feet sheet-piling, at $40	2,943 36
4,000 pounds spikes, at 12 cents	480 00
9,031 cubic yards of masonry, at $25	225,875 00
Lock-gates with irons, complete	4,500 00
708 yards concrete in foundations, at $6	4,248 00
2,000 yards puddling, at 80 cents	1,600 00
2,550 yards graveling, at 50 cents	1,275 00
300 yards ripraping, at $2	600 00
	272,001 86

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PIERS.

37,150 feet of timber, at 35 cents	$13,002 50	
7,218 yards stone packing, at $1 50	10,827 00	
2,400 tree-nails, at 5 cents	120 00	
1,000 feet piling, at 30 cents	300 00	
36,000 feet sheet-piling, at $40	1,440 00	
		$25,689 50
Cost of lock and piers		297,691 36

DAM.

Coffer-dam, and preparing foundation for dam and abutment	$15,250 00
76,620 cubic feet of timber, at 35 cents per foot	26,817 00
135,000 feet sheet-piling, at $40 per 1,000 feet	5,400 00
57,600 feet plank on top, at $30 per 1,000 feet	1,728 00
9,603 yards stone packing, at $1 50 per yard	14,404 50
600 screw-bolts and taps, (4,050 pounds,) at 15 cents	607 50
17,600 pounds spikes, 20 inches by $\frac{5}{8}$, at 12 cents	2,112 00
2,462 pounds spikes, 14 inches by $\frac{1}{2}$, at 12 cents	295 44
6,300 pounds spikes, 6 and 8 inches by $\frac{1}{4}$, at 12 cents	756 00
9,000 yards graveling, at 40 cents	3,600 00
2,000 feet piling, at 30 cents	600 00
	71,570 44

ABUTMENT.

1,250 feet piling, at 30 cents	$375 00	
22,800 feet sheet-piling, at $40	912 00	
6,300 feet foundation-plank, at $30	189 00	
500 pounds spikes, at 12 cents	60 00	
10,170 feet timber, at 35 cents	3,559 50	
600 spikes, 20 inch by $\frac{5}{8}$, (1,320 pounds,) at 12 cents	158 40	
1,008 yards masonry, at $20	20,160 00	
500 yards puddling, at 50 cents	250 00	
500 yards embankment, at 30 cents	150 00	
500 yards ripraping, at $2	1,000 00	
2,000 yards stone packing, at $1 50	3,000 00	
		29,813 90
Cost of dam and abutment		101,384 34

SUMMARY.

Lock and piers	$297,691 36
Dam and abutment	101,384 34
Total cost of one lock and dam	399,075 70
Add 10 per cent. to cover cost of dredging at foot of locks, and contingencies	39,907 57
Cost of one lock and dam, and contingencies	438,983 27
Cost of five locks and dams, and contingencies	2,194,916 35

These locks will all be of precisely the same dimensions, and the dams will be of the same height and width in base. They will only vary in the length. The average length of 600 feet is estimated for, which will give sufficiently correct results.

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Estimated cost of timber lock 250 by 49 feet.

Coffer-dam, and preparing foundation for lock	$15,500 00
10,500 feet piling, at 30 cents per foot	3,150 00
166,140 feet plank for flooring, at $40 per 1,000 feet	6,645 60
14,014 feet timber for foundation, at 35 cents	4,904 90
73,584 feet sheet piling, at $40	2,943 36
Miter-sills, (timber)	280 00
9,000 pounds spikes, 6 and 8 inches, at 12 cents	1,080 00
45,000 feet timber in walls, at 35 cents	15,750 00
10,198 yards stone filling, at $1 50	15,297 00
170,400 feet sheeting, sides of lock, at $40 per 1,000 feet	6,816 00
10,184 pounds spikes, 20 inches by ⅝, at 12 cents	1 222 08
Gates, complete, with irons	4,500 00
472 yards concrete, at $6	2,832 00
2,000 yards puddling, at 80 cents	1,600 00
2,550 yards graveling, at 50 cents	1,275 00
300 yards riprap, at $2	600 00
Cost of lock	84,395 94
Piers, as in stone lock	25,689 50
Dam and abutment, as in stone lock	101,384 34
Total	211,469 78
Add 10 per cent. for dredging at foot of lock, and contingencies	21,146 97
Cost of one lock and dam, and contingencies	232,616 75
Total cost of five locks and dams	1,163,083 75

Estimate of cost of 5 locks and dams for the Ouachita River, the locks to be 200 feet by 40 in the chamber, and 14 feet lift.

LOCK OF MASONRY.

Coffer-dam, and preparing foundation	$14,500 90
10,500 feet piling, at 30 cents per foot	3,150 00
125,400 feet planks for foundation, at $40 per M.	5,016 00
11,466 feet timber for foundation, at 35 cents per foot	4,013 10
Miter-sills	280 00
66,384 feet sheet-piling, at $40 per M	2,655 36
3,500 pounds spikes, at 12 cents	420 00
7,806 yards masonry, at $25	195,150 00
Lock-gates, with irons, complete	4,500 00
542 yards concrete, at $6	3,252 00
1,700 yards puddling, at 80 cents	1,360 00
1,750 yards graveling, at 50 cents	875 00
300 yards ripraping, at $2	600 00
Cost of lock	235,771 46
Piers as in stone locks, 49 by 250	25,689 50
Dams and abutment	101,384 34
Total	362,845 30
Add 10 per cent. for contingencies	36,284 53
Cost of one lock and dam	399,129 83
Cost of five locks and dams	1,995,649 15

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Estimate of cost of 10 *locks and dams for the Ouachita River,* 200 *by* 40 *feet in chamber, and* 7 *feet lift.*

LOCK.

Coffer-dam, and preparing foundation	$14,500 00
10,500 feet piling, at 30 cents per foot	3,150 00
115,200 feet planking for bottom, at $40	4,608 00
9,850 feet timber in foundation, at 35 cents	3,447 50
66,384 feet sheet-piling, at $40	2,655 36
Miter-sills	280 00
3,500 pounds spikes, at 12 cents	420 00
4,675 yards masonry, at $25	116,875 00
Lock-gates, with irons, complete	3,750 00
474 yards concrete, at $6	2,844 00
1,400 yards puddling, at 80 cents	1,120 00
1,306 yards gravel, at 50 cents	653 00
300 yards riprap, at $2	600 00
	154,902 86

PIERS.

28,800 feet of timber, at 35 cents	$10,080 00	
4,080 yards stone packing, at $1 50	6,120 00	
1,800 tree-nails, at 5 cents	90 00	
1,000 feet piling, at 30 cents	300 00	
36,000 feet sheet-piling, at $40	1,440 00	
		18,030 00
Cost of lock and piers		172,932 86

DAM.

Coffer-dam, and preparing foundation for same, and for abutment	$14,000 00
36,880 feet of timber, at 35 cents	12,908 00
57,600 feet plank on top, at $30	1,728 00
82,800 feet sheet piling, at $40	3,312 00
4,963 yards stone packing, at $1 50	7,444 50
4,050 pounds screw-bolts, at 15 cents	607 50
9,000 pounds spikes, 20 by $\frac{5}{8}$, at 12 cents	1,080 00
6,300 pounds spikes, 6 and 8 inches by $\frac{1}{2}$, at 12 cents	756 00
4,360 yards gravel, at 40 cents	1,744 00
2,000 feet piling, at 30 cents	600 00
	44,180 00

ABUTMENT.

1,250 feet piling, at 30 cents	$375 00	
22,800 feet piling, at $40	912 00	
6,300 feet foundation-plank, at $30	189 00	
500 pounds spikes, at 12 cents	60 00	
8,100 feet timber, at 35 cents	2,835 00	
989 pounds spikes, 20 by $\frac{5}{8}$, at 12 cents	118 68	
537 yards masonry, at $21	11,277 00	
500 yards puddling, at 50 cents	250 00	
500 yards embankment, at 30 cents	150 00	
500 yards riprap, at $2	1,000 00	
1,160 yards stone packing, at $1 50	1,740 00	
		18,906 68
		63,086 68

SUMMARY.

Estimate of cost of 1 lock and piers	$172,932 86
Estimate of cost of 1 dam and abutment	63,086 68
Cost of 1 lock and dam	235,919 54
Add 10 per cent. for contingencies	23,591 95
Total	259,511 49
Cost of 10 locks and dams, and contingencies	2,595,114 90

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2. WHITE RIVER, FROM BUFFALO SHOALS, ARKANSAS, TO THE MOUTH OF JAMES FORK, MISSOURI.

ENGINEER OFFICE, UNITED STATES ARMY,
Saint Louis, Missouri, March 20, 1872.

GENERAL: I have the honor to forward herewith a report of Alonzo Livermore, esq., civil engineer, of an examination of White River from Buffalo Shoals, in Arkansas, to the mouth of James Fork, Missouri, made under my direction.

The examination was not made with reference to improving the stream by locks and dams, which will be necessary if it is attempted to secure navigation throughout the entire year. Such an improvement would require some twenty locks, of 10 feet lift, and could not be made without the expenditure of several millions of dollars, which would not be justified by the present wants of the country.

Buffalo Shoals is the worst point on the river, the fall being 9.5 feet in the distance of 1¼ miles. I was unwilling to forward the estimates for improving this locality without availing myself of all the experience I could command to judge of its feasibility, and estimate its probable cost. Accordingly, I had a special examination of it made by Clement Smith, esq., civil engineer, who, as well as Mr. Livermore, has had large experience in river improvement. Both these engineers gave it as their opinion that by constructing dams, so as to confine the waterway to what will be just sufficient to carry the water at the stage at which it is proposed to make the stream navigable, a succession of pools will be formed, with chutes between them, up which it is estimated a boat would be able to pass, the fall in the chutes being in no case greater than 12 inches. The method is not new, but I am not aware that it has ever been tried to any extent in this country. It is one which commends itself to my judgment as well worthy of a trial. The estimates of Messrs. Livermore and Smith are so nearly the same that I regard it as unnecessary to forward them both.

The improvement, if completed, would greatly facilitate commerce.

Very respectfully, your obedient servant,

W. F. RAYNOLDS,
Lieutenant Colonel, Corps of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

OSAGE RIVER, MISSOURI,
November 9, 1871.

SIR: I have the honor herewith to report my examinations of obstructions upon White River, from James Fork, in Missouri, to the foot of Buffalo Shoals, in Arkansas, a distance, by my estimate, of 194 miles.

I left Saint Louis, Missouri, on the 10th of June last, and reached Maberry's Ferry, on the White River, June 13, at which place I obtained a small flat-boat with which to proceed down stream.

The examinations were commenced on the 21st at the mouth of James Fork. The estimated distance from this fork to Forsyth, Missouri, is 52 miles. This point I reached Saturday evening, June 24. This may be considered the termination of the first section. The rest of the distance to Buffalo Shoals, having been examined last year, will form a separate section.

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Before entering upon the details of this report it may be well to make some general remarks.

The improvement of White River, as herewith estimated, does not embrace a true low-water channel, such as is being made upon the Osage River, but is intended to include the removal of all obstructions to navigation when there is a rise of 5 feet above low water upon the head of the principal shoals. The fall of some of these shoals is too great for an improvement at a moderate low-water stage, unless at a very great expense, which the resources of the country do not now justify. At present, a navigation which will permit steamers and other craft to ascend and descend, when there is a rise of 5 feet or over upon the shoals, is all I can now recommend as admissible in the expenditure of public funds.

Thus far I have no hesitation in saying that I believe such an improvement as herein is recommended is worthy of an appropriation to the extent of my estimate. The country, to be sure, is far from being developed, either in its agricultural or mineral resources; much of this is owing to the want of facilities for getting to market with these products when obtained, and getting supplies of salt, groceries, and other necessary articles, at a reasonably cheap rate.

The bottom lands upon this river are not extensive; but what there are will compare favorably with any other bottom lands along the rivers of the States.

The hills are high and the land considerably broken; still there is some very good land in the valleys and low elevations bordering the small streams, and most of the hills afford a fine range for stock.

The hills along this stream have, undoubtedly, much mineral wealth, which is yet far from being developed. Iron and lead, I judge, will be found quite abundant; other minerals, such as copper and zinc, are said to exist in many places. Upon the whole, I am of the opinion that this country, in due time, will teem with population and wealth, more from its mineral resources than from its agricultural products, which, at best, will only supply the miners and their families, if such become numerous.

SECTION No. 1. *From James Fork to Forsyth, a distance estimated at 52 miles.*

We found 59 shoals on this section. My estimate of the fall at these shoals, together with the estimated fall of the pools, amounted to 80.25 feet, which is an average of 1.55 feet per mile. The water in the river, at the time we examined this section, was believed to be from 12 to 15 inches above low water.

The pools I found to be from 2 to 10 feet deep; generally not over 6 feet; the deepest channel upon the shoals, about 15 to 18 inches. As we descended the river we found the water lessening in depth upon the shoals, so that at Forsyth it could not be over 12 inches above low water. The width of the river upon this section will average about 350 feet.

The obstructions to navigation do not materially differ from those found in a similar number of miles below Forsyth.

Names, &c., of the worst shoals in this section, with the estimated cost of their improvement.

China Bowman Shoals, No. 25.—This shoal should have a dam across the right-hand channel, estimated at a cost of $2,000.

Long Creek Shoal, No. 28.—The river divides into several channels.

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The right-hand ones must be closed by dams. The cost of the work here is estimated at $4,000.

First shoal above Bull Shoal, No. 41.—This shoal should be improved by a dam across left-hand channel, the cost of which I estimate at $2,000.

Bull Shoal, No. 42.—This channel is very crooked, and should be straightened, and a wing-dam built to concentrate the water. The cost estimated at $4,000.

Jenning's Shoals, No. 50—A wide gravel-bar on the left. An old dam here extends too far toward the right shore, a portion of which must be removed; the other end extended to the left shore. This shoal has an estimated fall of 2.5 feet. The improvement of this shoal will cost about $5,000.

Shoal No. 52.—A brush and gravel dam required across one channel. The water here divides into nearly two equal parts. Required, a brush dam, estimated to cost $500.

Shoal No. 56.—Water spreads over a wide surface and should be concentrated by a brush and gravel dam, which is estimated to cost $500.

The 7 miles upon which these shoals are situated are therefore estimated to cost $18,000. The balance of the distance, the cost will be light, and may be estimated at $50 per mile ... $2,250 00

Total cost of 52 miles	20,250 00
Add 50 per cent. for contingencies	10,125 00
Grand total	30,375 00

SECTION No. 2. *From Forsyth, Missouri, to the foot of Buffalo Shoals, in the State of Arkansas, which we estimated by our run this year at* 142 *miles.*

This is considerably more than was estimated last year. A part of the examination last year of this section was made when the river had risen some 4 or 5 feet, which I judge, to some extent, caused an underestimate.

I however am of the opinion, while last year's run was underestimated, the estimate for this year may be too great. Actual measurements only can determine the true distance.

For the first 100 miles, as estimated last year, I can hardly improve the figures. With 50 per cent. added to my estimate, instead of 20 which I then made for contingencies, I shall cover the difficulties suggested by your report of last year upon this work. In reviewing the river, I am satisfied that your remarks upon the difficulties to be encountered are strictly just.

The estimated fall of the shoals of this section is somewhat greater than I estimated last year. The pools I now estimate at 4 inches instead of 6 inches per mile, as per last year's report. The whole fall, therefore, is slightly less than my previous estimate.

The shoals number 130 from Forsyth to the foot of Buffalo, with an aggregate fall estimated at 159.10 feet, to which add 4 inches per mile for the pools, making in all 206.43 feet, or 1.45 feet per mile. The bad shoals upon this section, which require considerable engineering skill to improve, number 12. These shoals have mostly local names, and are situated in the following order upon the miles, as numbered this year, viz:

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	Mile.		Mile.
Double Shoal	26	Bull Shoal	113
Elbow Shoal	54	Wild Cat Shoal	125
Tumbling Shoal	64	Summer Shoal	129
Bull Bottom Shoal	87	Red Bud Shoal	132
Pott Shoal	94	Crooked Creek, (two shoals)	136
McGar Shoal	99	Buffalo Shoals	141.142

The cost of improving these shoals is estimated as follows, viz:

Double Shoal	$500	Wild Cat Shoal	$[illegible]
Elbow Shoal	5,880	Summer Shoal	700
Tumbling Shoal	1,500	Red Bud Shoal	2,[illegible]00
Bull Bottom Shoal	700	Crooked Creek Shoal	2,[illegible]00
Pott Shoal	1,500	Buffalo Shoal	18,[illegible]00
McGar Shoal	6,250		
Bull Shoal	2,200	Exclusive of contingencies	42,[illegible]50

Exclusive of contingences, (brought forward)	$42,[illegible]50
To this add, for 130 miles requiring little work or engineering skill, at $40 per mile	5,200
	47,250
For contingencies add 50 per cent	23,625
Grand total	70,875
Add grand total section 1	30,375
Grand total for two sections and 194 miles of distance	101,250

The estimate for section No. 2 varies mainly from last year's estimate by a considerable increase of funds required for Buffalo Shoals. These shoals were examined this year carefully under favorable circumstances. The river was low, and I took a level of the whole fall, which I found to be 9.5 on a distance of only 1¼ miles. Last year the estimate of these shoals was 10 feet fall, and the length 2 miles. The fall this year was found to be 7.6 feet per mile, while last year the fall was 5 feet per mile. It is evident, therefore, that it would require greater skill and a greater expense to overcome the force and velocity of the water, in order to permit boats to ascend in such a moderate rise as 4 or 5 feet.

The bottom of these shoals is solid rock the whole length; there are large quantities of loose rock upon the shoals, which can be placed in dams at a low cost. These dams should be frequent, not less than 16 in number, and will contain about 500 cubic yards of stone each. The cost per yard may be set down at $1 12½, making this item $9,000. The amount required for excavating the channel I place at the same figures as last year, viz: 3,000 cubic yards at $3 per yard, thus making the total expense of improving the shoals $18,000. Owing to the great fall on these shoals, and the limited distance from the head to the foot, I am satisfied that these shoals are now largely the greatest obstacle to an ascending navigation at moderate floods on this river. The work of improving the same should be done under the direction of a practical and scientific engineer.

I feel satisfied, therefore, in making a large increase in my estimate for this work over the amount thought sufficient, under the circumstances, by me, as you find by last year's report.

I respectfully refer you to my last year's report for the details of my plan for improving Elbow and McGar Shoals, which, next to Buffalo

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are the most important shoals to be improved. The width of the river from Forsyth to Buffalo Shoals is fully 400 feet upon an average.

The height of the bottom lands will average about 23 feet above low water, and the highest flood known 28 feet, the place having been pointed out to me by the citizens of Forsyth. In my report of last year I stated I had measured the water of White River, and found it to discharge 264 cubic feet per second. This measurement was made when the water was at its lowest stage. The oldest inhabitants told me they never knew this stream to be lower than it was last season. One half of this quantity would fill a lock of 10 feet lift, 60 feet wide, and 250 feet between the gates, every 19 minutes. This would allow one half of the water as wastage through the dam and lock gates.

Very respectfully, your obedient servant,

ALONZO LIVERMORE,
Civil Engineer.

General W. F. RAYNOLDS,
Lieutenant Colonel U. S. Corps of Engineers.

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3. BLACK RIVER, MISSOURI, TO POPLAR BLUFF.

ENGINEER OFFICE, UNITED STATES ARMY,
Saint Louis, Missouri, March 26, 1872.

GENERAL: I have the honor to submit herewith the report of A. H Blaisdell, civil engineer, of an examination made, under my direction, of Black River, Missouri, to Poplar Bluff, as required by the provision of the act of Congress making appropriation for the repairs, preservation, and completion of certain public works on rivers and harbors, and for other purposes, approved March 3, 1871.

This stream is more favorable for navigation than is common to streams of its size, the least depth on the shoals being 2 feet, which is sufficient for a class of boats which would carry fair loads and be of great benefit to the country if no other commercial channels were open. The obstructions to navigation consist, as in all smaller streams in this region, almost exclusively of snags and leaning timber.

But three shoals exist where it is proposed to do any work, and these are of small extent, the proposed improvement consisting only in widening the channel.

The channel is so narrow and crooked that large boats could not navigate the stream, even if the depth of water was sufficient. Hence, if the snags and leaning timber are removed, a few sloughs closed, to confine the water at its lowest stage to a single channel, and the channel at the three shoals widened, it would be all the improvement which could in any way be considered justifiable.

The removal of the snags and leaning timber will be somewhat expensive, as they must be removed to points where they will not be taken back into the channel during high water. The use of a boat with propelling power is essential for the purpose, and Mr. Blaisdell's estimate of $90,561 for the work, after a boat shall have been provided, is as low as it is safe to make. A small steamer, such as would be required, will cost at least $20,000, making the total estimate for the proposed improvement $110,561.

In considering the wants of the country in connection with this improvement it should not be forgotten that the Cairo and Fulton Railroad,

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now under construction, touches Black River at Poplar Bluff, crosses it 12 miles below the State line of Arkansas, and White River 3 miles below the junction, throughout this entire distance running parallel to the river at a distance from it of from 6 to 14 miles.

Very respectfully, your obedient servant,

W. F. RAYNOLDS,
Lieutenant Colonel Corps of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers U. S. A., Washington, D. C.

ENGINEER OFFICE, UNITED STATES ARMY,
Saint Louis, Missouri, March 11, 1872.

GENERAL: I have the honor to submit the following report on the recent examination of Black River from Poplar Bluff, Missouri, to Pocahontas, Arkansas, to which duty I was assigned by orders from this office dated November 13, 1871.

Black River rises in the western part of Iron and the northern part of Reynolds County, in Southeastern Missouri, and flows in a general direction southeast through that State, parallel to the Saint Francis River, and at an average distance from it of 14 miles, traversing the counties of Reynolds, Wayne, and Butler, when it strikes the Arkansas line and diverges toward the southwest, touching the edge of Greene, flowing through Randolph and Lawrence, forming the boundary-line between Independence and Jackson Counties, and empties into the White River one-half mile above the city of Jacksonport.

From its source to Poplar Bluff the river flows through the mountainous country of the Ozark Ranges and their spurs, and then leaves the mountains and seeks the lowlands, through which it continues to flow without any elevation on its banks higher than 25 feet above low water until it again strikes the hills at Pocahontas.

Between the limits of this examination the principal tributaries are Cane Creek, Current River, and Fourche Dumas, in Arkansas, and a large number of sloughs in Missouri, which drain the country between this stream and the Saint Francis River, one of which connects the two rivers, and in which the current has either an easterly or westerly direction, according to the water-level in the two streams.

The total drainage area of the Black River and its tributaries may be estimated at 8,000 square miles.

The river frequently divides itself into branches; hence we have Dan's River, Little River, and Catharine Slough. Again, sloughs fork into the swamps, which in the dry season much diminish the quantity of water in the river.

Throughout its whole length the river pursues a very winding course. The bottom lands are low, varying from 18 feet at Poplar Bluff to 2 feet in places at Dan's River, and from 18 to 20 feet at Pocahontas above low water, while the difference of level between extremes of water varies from 18.5 feet at Poplar Bluff to 5 feet at Dan's River and 26.25 feet at Pocahontas.

The river-bed is generally sand, or in its lower part sand and clay, sometimes mingled with muscle-shells and fine gravel.

There are 54 shoals in the river, having a sandy bottom, generally occurring in bends, and which have much increased in size from the quantity of snags and drift-wood accumulated in such places.

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These shoals cover an aggregate length of 3.7 miles, but the average depth of water upon them in the low-water season is never less than 2 feet. In addition to these there are three shoals called Cox's, Fish Trap, and Rocky, which have a rock bottom of a ferruginous sandstone conglomerate, friable in its nature, and extending over the whole width of the river. The depth on these shoals averages 2 feet in the channel, and their aggregate length is .25 mile. The beginning and termination of these shoals are very abrupt, and the formation is a peculiar one. Borings for wells in the immediate vicinity of the shoals failed to encounter similar rock, but at a depth of 40 or 50 feet a bed of limestone was struck.

The general depth of the river in its upper part is not great, and the channel is often very narrow. The general width between banks is 130 feet, but in some of the "cut-offs" the river has made, and in the portion of the main river adjoining Davis and Little Rivers, the width varies 50 to 90 feet; below the mouth of the Current River the river is 225 feet wide.

The current of Black River, at low water, when the examination was conducted, had a velocity of six-sevenths mile per hour; in no place did the current exceed a velocity of 1½ miles per hour, except on the three rocky shoals mentioned above.

I estimate the distance between Poplar Bluff and Pocahontas at 161 miles, and place the fall in the water-surface between those limits at 36 feet.

As an appendix to this report a list of the shoals is given, their length, width, and depth of low-water channel.

Character of the adjacent country.

Leaving the last spur of the Ozark Mountains, on which Poplar Bluff is situated, we enter at once a swampy country, which is annually overflowed to a depth varying from 6 inches to 6 feet.

On the right bank of the river there is a second bottom, which is very fertile, and is extensively cultivated. On the left bank there are few elevations above overflow, until Gillis's Bluff is reached, 40 miles below Poplar Bluff, which is about 24 feet above low water, and of considerable extent; the banks from this point down average higher than above, and exhibit more clay in their composition.

The upper half of Butler County, Missouri, is not so well adapted for the cultivation of cotton as the lower half. The lands bordering the river in Arkansas are eminently adapted for the production of cotton, and this is the chief farming product. The country adjacent to the river abounds in every kind of timber except pine and cedar, but both of these varieties are found in the hills north and west of Poplar Bluff. The lumber interest is a large one; poplar and cypress are annually rafted in considerable quantities. Poplar is not found below the Arkansas line. The white-oak timber, especially, is worthy of mention; parties are at present engaged in getting out large quantities of it at the head of Dan's River for ship-building purposes.

In Arkansas the tract of land lying between the Black and Current Rivers is called the "Cherokee Bay country," and is probably the most fertile and thickly-settled farming country on the river. On the first terrace of this portion of the valley an excellent quality of black walnut is found, and large quantities of it are under preparation for shipment to New Orleans and Boston.

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Between Poplar Bluff and the mouth of the river there are 10 steam saw-mills.

A very good quality of iron ore (brown hematite) is found in the north and west parts of Butler County, but no mines have yet been opened.

Towns, railroads, &c.

Poplar Bluff, the county seat of Butler County, Missouri, is situated on the right bank of the river, on an elevation 60 feet above low water; in 1870 it had a population of 400, but since that time it has increased to about 800, while the valuation of its real estate has been enhanced over 200 per cent. The extension of the Pilot Knob branch of the Iron Mountain Railroad intersects the Cairo and Fulton Railroad 1¾ miles above the town, and the latter road runs directly through it. It is expected that cars will be running to Poplar Bluff in July next.

The grading of the Cairo and Fulton Railroad is being rapidly pushed in the State of Arkansas toward and from Little Rock; the road crosses Black River about 10 miles below the State line on the eastern edge of township 20, range 4 east of the 5th principal meridian, and then, confining itself to the left bank, runs parallel to the river at a distance from it of from 6 to 14 miles, crosses the White River at Elizabeth, 3 miles below Jacksonport, thence runs by way of Little Rock to Fulton, Arkansas, on the Red River, and connects with the South Pacific road at some point in Texas.

The Cape Girardeau and State Line Railroad is at present under construction, and is graded within 19 miles of Poplar Bluff, where it will intersect the trunk line. The Memphis and Saint Louis Railroad is proposed, and will intersect the same line.

Everything seems to indicate that Poplar Bluff will be the principal town of southeastern Missouri. As far as railroad facilities are concerned, there are but few inland towns which will surpass it. It at present contains 8 stores, which do a business of $120,000 in general merchandise. Goods heretofore were hauled in wagons to the town from Pilot Knob, on the Iron Mountain Railroad, or from Cape Girardeau, on the Mississippi River.

Pocahontas, the county seat of Randolph County, Arkansas, is situated on a bluff, 120 feet above low-water mark, on the right bank of the river. The town is the shipping point for a large section of country, extending up Black and Current Rivers, and a regular line of boats is kept up to the town for the entire year. It contains a population of about 800, and sells $350,000 worth of merchandise yearly; 2,500 bales of cotton and about 5,000 dressed hogs were two items in her shipments last year; 1,000 bales of this cotton were raised in the country adjacent to Black and Current Rivers.

Ten thousand bales of cotton is a low estimate for the entire quantity shipped in the Black River Valley.

Previous improvements.

Butler County, Missouri, some time before the late rebellion, had donated to her by the State a large quantity of swamp lands for internal improvement purposes. In 1859, 13,000 acres of this land were appropriated for the improvement of Black River by the county court, and the work let to contractors. Some little work was done in cutting trees and removing drift-piles for a distance of 12 miles below Poplar Bluff, but the improvement was poorly executed for want of suitable superintend-

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ence. In 1867 another appropriation was made of 35,000 acres of the swamp lands for the same purpose; 15,000 acres were patented to the contractor to provide his outfit, who chartered the steamer Nitronia, (138 feet in length, 24 feet beam, and 20 inches depth of flotation,) which succeeded in reaching Poplar Bluff, from which place the improvement was to commence. On account of some legal complications in which the contractor became involved no work was done, and his contract abandoned.

On the remaining 20,000 acres the county has made a contract with two of its citizens to run a steamer to Poplar Bluff four times a year for five successive years, without requiring any improvement to be made. The contractors have built a boat at Poplar Bluff (72 feet in length, 20 feet beam, and drawing 18 inches) for the work. No improvement to the river can result from this contract.

The Missouri legislature of 1870 made an appropriation of $15,000 for the improvement of Black River in Missouri, contingent, however, on the condition that "a provision be made for similar improvement in Arkansas." Butler County has donated the remainder of her swamp lands to railroads, and Arkansas has failed to make a provision whereby the $15,000 could be made available.

Obstructions to navigation—improvements and cost thereof.

The principal obstructions to navigation are snags and overhanging trees. From Poplar Bluff to the Arkansas State line, a distance of 68 miles, there were counted 2,977 snags and 4,618 overhanging trees. Between the limits of the examination, a distance of 161 miles, were counted 7,411 snags and sunken logs, and 10,122 overhanging trees.

The river is so narrow that trees, in falling into it from its banks, reach entirely across the stream, and are in the worst position for removal.

I do not recommend that any improvements be made on the shoals, other than removing snags, except on the three shoals mentioned as having rock bottom, where the channel might be advantageously widened and the depth increased.

As before stated, there are many sloughs and cut-offs, which, as they draw large quantities of water from the main river, should be closed up by dams. Commencing with a slough above Poplar Bluff, there are 14 places where dams should be built, involving an aggregate length of 1,200 feet. Low stone and brush dams would be well adapted for this purpose, but as stone can only be procured at great expense, "snag-dams," held in place by piles, will have to be resorted to.

These dams should not be built much above usual low-water mark, in order that the water during freshets may flow over them into the sloughs, and thus prevent the excessive overflow which would ensue should the water be confined to the main banks of the river.

There are five drift-piles in the river above the Arkansas State line, more or less obstructing navigation, and upon which some work should be done; also a wreck of an old stave-boat, which should be removed.

In operating for improvement upon streams the size of Black River, it being about 300 miles from Poplar Bluff to its mouth, and its general width very narrow, it is of almost an absolute necessity to use a boat having some propelling power of its own, in order to place the snags pulled out of the way of passing steamboats. When such a boat shall have been furnished, I present the following estimate for improving Black River from Poplar Bluff to Pocahontas:

Pulling 7,411 snags and sunken logs, 20 months' work, at $3,000 per month...	$60,000
Cutting 10,122 trees, at 50 cents per tree	5,061

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Work on 5 drift-piles, and wreck of stave-boat	$3,00
Pile-driver, delivered, (hand or animal power)	1,50
1,200 linear feet snag-dams, at $5 per foot	6,00
Work on rock shoals	5,00
	90,50
Add for engineering and superintendence	10,00
Total estimate	90,50

I am, general, very respectfully, your obedient servant,

A. H. BLAISDELL,
Civil Engineer.

General W. F. RAYNOLDS,
Lieutenant Colonel Corps of Engineers, U. S. A.

APPENDIX.

TABLE OF SHOALS.

BETWEEN POPLAR BLUFF AND DAN'S RIVER, TEN MILES.

Name.	Length.	Channel in low water.		Remarks.
		Depth.	Width.	
	Feet.	*Feet.*	*Feet.*	
Henderson.....	600	2 to 4	40	Gravel and sand bottom; logs in channel.
	600	2 to 3	60	Sand bottom.
	300	3 to 4	30	Sand bottom.
	150	2.5	35	Gravel and sand bottom.
	300	2.6	35	Gravel and sand bottom.

FROM HEAD TO MOUTH OF DAN'S RIVER, SIXTEEN MILES.

	150	3	30
	150	3	35
	175	2.5 to 3	30
	250	2.5	30
	300	3	40
	220	3	40
	100	3	30
	120	3	25
	75	2.5	40
	100	2.5	30
	150	3	30
	300	2.5	40
	150	2.8	30
	150	2.5	30
	1,000	2.5	30
	400	3	30
	150	3	20
	600	3	40
	350	3	30

Bottom of snags, imbedded in sand.

Used as a ford.

All these shoals occur in bends; the river itself very narrow in this locality.

At mouth of Dan's River.

FROM MOUTH OF DAN'S RIVER TO GILLA'S BLUFF, SIXTEEN MILES.

	100	3.5	50
	250	3.2	40
	400	2 to 3.5	40
	650	2 to 3	30
	150	2 to 2.5	30
	250	3	40
	1,800	2 to 3	90
	300	2 to 3	20
	100	2.5	30

In bend Roaring "cut-off."

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FROM GILLA'S BLUFF TO ARKANSAS LINE, SIXTEEN MILES.

Name.	Length.	Channel in low water.		Remarks.
		Depth.	Width.	
	Feet.	*Feet.*	*Feet.*	
	350	3	30	
	300	2.8	40	
	200	3.3	35	Sand with muscle-shells.
	300	3.3	35	

FROM LINE TO LITTLE RIVER, THIRTY-ONE MILES.

	200	3	40	Between these limits there is a general good depth of water.
	75	3.5	30	
	250	3	50	
	100	2.3 to 3	40	

FROM HEAD OF LITTLE RIVER TO WAMICK'S POINT, THIRTEEN MILES.

	2,400	2.5 to 3	30	In many of these shoals the bottom is overgrown by a species of grass which renders the bottom very hard.
	250	2.5 to 3	40	
	250	1.5 to 3.5	40	
	300	3 to 4.5	50	
	100	2 to 3	50	
	200	1.5 to 3.5	50	

FROM WAMICK'S POINT TO SHAFFER'S HOUSE, EIGHTEEN MILES.

	300	2.5	50	
	600	2.5	40	
	100	2.2	40	

FROM SHAFFER'S HOUSE TO CURRENT RIVER, TWENTY-FOUR MILES.

Cox's Ford	1,000	2	180	Fall .6 } rocky bottom.
Fish Trap	75	2.5	30	Fall .25 }
	900	2.5	50	
	150	2	30	
Rocky Ford	300	2 to 2.5	40	Rocky bottom, fall .25.
Russell's Ferry	450	3	60	Sand bottom.
	900	2 to 3	60	Sand and muscle-shells on bottom.

4. BAYOU BARTHOLOMEW, FROM ITS MOUTH TO THE STATE LINE OF ARKANSAS.

ENGINEER OFFICE, UNITED STATES ARMY,
Saint Louis, Missouri, March 28, 1872.

GENERAL: I have the honor to forward herewith the report of A. H. Blaisdell, civil engineer, of a reconnaissance of Bayou Bartholomew, from its mouth to the State line of Arkansas, made under my direction.

The estimated length of the portion of the stream examined is 96 miles, and boats of large capacity have navigated this portion of the river, and small boats have been up stream 130 miles further. The river is an important and almost the only means of communication with quite a large district of cotton-growing country.

The proposed improvement of the Ouachita, if made, will have an important bearing on the navigation of Bayou Bartholomew, as the

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water at its mouth would be raised some 10 or 12 feet, which would give back-water for a distance of some 40 miles.

The obstructions to navigation are similar to those in almost all the western tributaries of the Mississippi. The method of improvement proposed by Mr. Blaisdell is the same as was adopted on the Upper Ouachita and Little Missouri last season, and which has been recommended on almost all the streams examined, namely, to remove the snags and leaning timber. This is essential even if more extensive improvements should be made hereafter.

The estimate presented, of $34,716 for doing the work, is not above what it will actually cost.

Very respectfully, your obedient servant,

W. F. RAYNOLDS,
Lieutenant Colonel, Corps of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

ENGINEER OFFICE UNITED STATES ARMY,
Saint Louis, Missouri, March 19, 1872.

GENERAL: I submit the following report on the recent examination of the Bayou Bartholomew, in the State of Louisiana:

The bayou takes its rise in the State of Arkansas, within 5 miles of Pine Bluff, on the Arkansas River, and following an exceedingly tortuous course, flows, at first, parallel to the Arkansas River at an average distance from it of 18 miles; then parallel to the Mississippi at distances varying from 15 to 25 miles; and after striking the Louisiana line, it diverges southwest and empties into the Ouachita River at Ouachita City, in section 16, township 20 north, range 4 east.

In Arkansas it flows through the counties of Jefferson, Drew, Desha, and Ashley, and in four of its sharper bends it touches the westerly edge of Chicot County; in Louisiana it traverses the parish of Morehouse.

From the Louisiana line to its mouth the principal tributaries of the Bayou Bartholomew are Overflow and Cheminahaut Creeks, both of which rise in Arkansas and enter the bayou on the right; on the left the tributaries are small bayous which drain the neighboring swamps, the principal of which are Bayous Bœuf, de Glaise, Bonidee, de Gallion, and Bonne Idee.

The total drainage area of the Bayou Bartholomew and its tributaries is about 1,800 square miles.

Following the meandering of the stream the distance from the mouth of the bayou to the State line is about 96 miles, while in a direct line it is 32.7 miles.

The bayou is very narrow, not averaging over 120 feet between banks; in many places it is considerably less.

In low-water season there are many places between the State line and Point Pleasant, a distance of about 62 miles, where the water varies from 2 feet to 10 inches in depth, and where the channel is not over 30 feet in width. Between these limits the bottom of the bayou is quite level, although there are a few deep pools. Between Point Pleasant and the mouth of the bayou there are 8 fords and shallow places, some of which are nearly half a mile long, on which the water is about 2.5 deep in the dry season, but the aggregate length of these shoals is less than that of the shoals above.

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The bed of the stream is generally sand mixed with clay, but on some of the shallow places it is fine gravel and sand.

The stage of the water in the lower part of the bayou is controlled by that in the Ouachita River; back-water from the latter stream has reached Point Pleasant, a distance of 34 miles.

During the progress of the examination the water was 7 feet above low-water mark, and the velocity of the current, as determined at Point Pleasant, was nearly 1¾ miles per hour.

In 1843 navigation commenced on the Bayou Bartholomew to a considerable extent, large steamers, having a carrying capacity of 2,000 bales of cotton, have reached the State line, and smaller steamers ascend the stream to a shipping point in Arkansas, called Gaster's Landing, about 130 miles above the line by water and 46 by land.

Between the Bayou Bartholomew and the Mississippi River are Bœuf River and Bayou Tensas, with its tributary, Bayou Macon. Bayou Tensas heads in Lake Providence, and the other streams rise in Arkansas, above Gaines's Landing.

I extract the following, from the report (page 41) of the Delta survey in relation to these bayous:

> The gradual extension of the levee system upon the banks of the Mississippi has deprived this net-work of bayous of their chief supply of water, and they now never rise to the level of their banks except on the occurrence of many large crevasses in the Mississippi levees. Formerly this whole region was deeply inundated in floods. In 1828, when the greatest inundation of which there is even a tradition occurred, the average depth of water across the swamp, on the Louisiana boundary line, was 7.1 feet.

In 1850, another year memorable for its floods, there was a depth of water over the same line of 3 feet. The Delta report gives the profile of a surveyed line of a proposed railroad from Lake Providence to Fulton, which crosses the Bayou de Siard, a small bayou which connects the Bayou Bartholomew, near its mouth, with the Ouachita River; this profile gives the elevation of high water in the Mississippi at Lake Providence at 121 feet above the level of the Gulf; and of the banks of Bayou Bonne Idee 18.5 feet, of Bayou Bœuf 25 feet, of Bayou de Siard 24.5 feet, and of Ouachita River 23 feet below the level of high water.

During the late rebellion the levees at Lake Providence were cut, as a military measure, and they have not yet been repaired, so that it is probable that during the prevalence of continued floods in the Mississippi some of its water finds its way to the Ouachita River through Bayou Bartholomew.

I estimate the fall in water surface between the line and the mouth of the bayou at 23 feet. The usual height between extremes of water is 23 feet.

Character of adjacent country.

In the valley of the Bayou Bartholomew we find two very distinct classes of soils; the first is the sand of the uplands, which is not productive enough for farming purposes, but on which a fair quality of pine-timber is found, and, second, the low bottom lands, which are distinguished for their being so well adapted for the production of cotton.

The tillable lands consist only of a narrow strip on each side of the bayou; beyond it are the low swamps, which are drained by the tributary bayous. The overflowed lands are largely in excess of the cultivated portion.

The bottoms are very productive, and may be relied on for producing, with a moderate amount of cultivation, one bale of cotton per acre; cotton is the chief and, indeed, sometimes, the only product raised.

On the left bank of the bayou, for a distance of about 20 miles from the State line, is a range of low, broken hills bearing a growth of birch,

sassafras, pecan, the different varieties of oak, elm, and some pine: on the bottoms are found gum, willow, sycamore, cypress, paw-paw, and other growth indigenous to that moist, tropical climate.

The highest banks of the bottoms are from 28 to 36 feet above low-water level, but one bank, at least, has two terraces, the lower of which is about 10 feet above the same level.

The parish of Morehouse contains, according to the last census, a population of 9,413 souls.

The towns and settlements along the bayou are as follows: Line, a hamlet on the boundary line, between Arkansas and Louisiana, is a shipping point of some importance; it has a store from which is sold about $50,000 worth of merchandise annually.

Linn Grove contains a store and five houses; about $30,000 worth of goods is sold here annually.

Point Pleasant is the shipping point for Bastrop and surrounding country.

Bastrop, the parish seat of Morehouse, is situated on high sandy soil, about 2½ miles east of the bayou, and contains about 650 inhabitants; it does a business in general merchandise of $150,000.

Between Bastrop and the bayou are the Bastrop Hills, the elevation of which, as given in the Delta report, is 40 feet above high-water level at Lake Providence,

The following is an estimate of cotton raised in and shipped from the adjacent country:

	Bales.
Line	3,000
Linn Grove	2,000
Point Pleasant and Bastrop	3,000
Sterlington and Morehouse Point, at mouth of bayou	1,000
Poplar Bluff, Arkansas	1,500
Plantations on bayou, about	1,000
Hauled to Mississippi River, about	500
Total	12,000

Previous improvements.

Some twenty years ago good work was done on the Bayou Bartholomew by the "State hands" of Louisiana in cutting trees and removing snags, but it was not followed up.

In 1870 the legislature of Louisiana made a large appropriation for the improvement of Bayou Bartholomew, and some work was done in cutting overhanging trees between its mouth and a few miles above Point Pleasant. The contractor, after expending about $1,000, was informed that the appropriation was unconstitutional, as it was made when the State debt exceeded $25,000,000, which is the limit fixed by law.

This last work was poorly executed; large trees were allowed to fall into the bayou, and not cut up into such lengths as would allow them to float off.

Obstructions to navigation—improvement and estimates.

During high water the obstructions to navigation are principally snags, sawyers, and overhanging trees. I counted 1,296 snags and sawyers, and 1,878 overhanging trees which impede navigation, but as the examination was conducted during high water, the former number should be considerably increased. There are several islands in the bayou covered with small growth; this should be cut and removed for high-water navigation.

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Navigation in the bayou generally opens between December 20 and January 27, and as no absolute dependence can be placed upon the water remaining high, planters are often compelled to ship their cotton and thus lose all the advantage of prospective rise in the market.

The steamboat pilots I talked with, as well as the people along the banks, seemed to think it feasible to make slack-water navigation in the Bayou Bartholomew; of this I cannot speak definitely, as it would require an accurate survey and a more thorough examination than I was able to give with the means at my disposal. The timber on the banks is mostly of that variety which sinks when green, and consequently it will have to be felled on the banks during low water and allowed to season, and if proper care is taken in cutting it into small lengths, high water will carry it off.

All that I can propose for improving the stream, as the results of my cursory examination, is to remove the snags and cut the leaning timber. Probably the most thorough manner of conducting this improvement would be to have a boat constructed to carry camp outfit and a hand-crane, which, in connection with animal power, could remove the snags to the banks, where they could be disposed of. The boat would have to be made smaller and of lighter draught than those used on the Ouachita last season.

I present the following estimate for the improvement of the stream in Louisiana by this method:

Expenses for one month.

Supervising engineer	$200
One mate and one foreman	250
Two cooks	150
Fifteen laborers, at $60 per month	900
Subsistence for 20 men, at $1 per day	600
Forage for 4 animals, at $1	120
	2,220
Building flat-boat	$600
Tools and rigging	1,000
Repairs of same	500
Four oxen	600
Removal of 2,000 snags and cutting 1,878 trees, 12 months' work	26,640
Add one month for passage down stream	2,220
	31,560
Add 10 per cent. for contingencies	3,156
Total	34,716

Good labor (colored) can be procured on the Bayou Bartholomew at the price named in the estimate, but probably it would be at a sacrifice to the planters of the vicinity; it is best, therefore, to hire acclimated laborers in some other near locality.

A light-draught snag-boat, with a moderate stage of water, could do excellent service in the Bayou Bartholomew, and would, probably, do all the work necessary for navigation at the stage of water boats usually ply the stream.

At Poplar Bluff, Arkansas, situated on the bayou, 12 miles (by land) above the line, there is a good saw-mill in operation, where lumber can be procured if the first-named method of improvement be adopted.

Very respectfully, your obedient servant,

A. H. BLAISDELL, *Civil Engineer.*

General W. F. RAYNOLDS,
Corps of Engineers, U. S. A.

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5. FOURCHE LA FAVE, ARKANSAS.

ENGINEER OFFICE, UNITED STATES ARMY,
1122 *Pine street, Saint Louis, Missouri, March* 22, 1872.

GENERAL: I have the honor to forward herewith a report by Mr. Blaisdell, civil engineer, of an examination of Fourche la Fave, in Arkansas, made under my direction.

This stream seems to be little more than a mountain torrent, and I agree with Mr. Blaisdell that it is inexpedient, for the present at least, to attempt any improvement above the town of Perryville. Between that point and the mouth there are five shoals; at one of them the width of channel is 40 feet and the depth 2 feet; at another the width is 30 feet and the depth 1 foot; at the other three the width of the channel at low water is only 7 or 8 feet, and the depth 6 inches. This statement is itself enough to show that even the lower section of the Fourche la Fave does not furnish water of itself to justify any attempt to make it navigable. The back-water from the Arkansas can, however, be relied upon, whenever that stream is 5 feet above its lowest stage, and it is only by regarding this fact that the Fourche la Fave becomes worthy of any consideration.

The fact that "no steamboat of larger dimensions than 42 feet in length and 10 feet beam has ever navigated the stream" goes far to show that even the back-water from the Arkansas is hardly sufficient to cause the Fourche la Fave to be fairly classed as a navigable stream.

The estimates of Mr. Blaisdell of $25,890, for cutting leaning timber and removing snags between the mouth and Perryville, seem to be fairly made, and the improvement, if completed, would doubtless be of considerable local benefit to the inhabitants of the country.

Very respectfully, your obedient servant,

W. F. RAYNOLDS,
Lieutenant Colonel, Corps of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

ENGINEER OFFICE, UNITED STATES ARMY,
Saint Louis, Missouri, March 1, 1872.

GENERAL: I herewith submit my report on the recent examination of the Fourche la Fave, in the State of Arkansas.

The river rises in the extreme southern part of Sebastian County, within a few miles of the Choctaw reservation of Indian Territory, and, following a very winding course, flows in a general direction slightly north of east, traversing the counties of Sebastian, Scott, Yell, and Perry, and empties into the Arkansas River, 25½ miles above the city of Little Rock.

The upper part of the river, entirely through the first three counties, and through a portion of the fourth, is a wild mountain stream, with numerous but entirely insignificant branches, which rise in the mountain ranges, parallel to the river or their spurs.

The only tributary of any size is Grave Creek, or the South Fork of Fourche la Fave, as it is generally called, which empties into the main river from the south, about 68 miles from its mouth.

On the north side of the Fourche la Fave, we find the range of Petit Jean Mountains and its spurs, called under different names, and on the

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south are the Mamelle Mountains and their spurs. From streams in a mountainous country, like the river under review, we expect, and are not disappointed in finding in the present instance, sudden "head-rises," produced by slight rains, but which are only of short duration.

The lower portion of the river in Perry County is controlled by the stage of water in the Arkansas; a rise of 6 feet in the latter stream backs the water up to the town of Perryville, a distance of 26 miles from the mouth of the Fourche la Fave.

In 1833 and 1844 there occurred extraordinary floods in the Arkansas River, the water standing at the locality under consideration, according to Mr. S. T. Abert, civil engineer, who conducted a survey of that stream in 1869, at the heights of 35.75 and 34.25 feet, respectively, above low-water mark. Both of these rises produced back-water in the Fourche la Fave to its junction with its south fork, 68 miles from its mouth. At this point the difference of level between high and low water marks, as measured in 1844, was 32 feet. This difference may be regarded as maximum, and only attained when both the rivers are unusually high; usual high water in La Fourche is 25 or 26 feet, and only of short duration. When all preliminary matters to the examination of the river had been arranged, a rain occurred of about fifteen hours' duration, which caused the river to rise 8 feet, and the examination was conducted between the limit of back-water, the mouth of South Fork, and the mouth of the river, while the water was about 11 feet above low-water mark.

I give below the shoals between these limits in tabulated form:

From South Fork to Perryville, 42 miles.

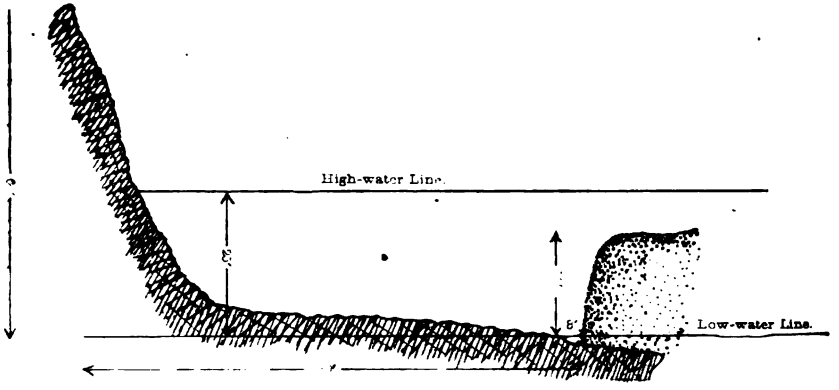
Name of shoals.	Distance from South Fork.	Length.	Channel in low water.		Fall.	Remarks.
			Depth.	Width.		
	Miles.	*Feet.*	*Feet.*	*Feet.*	*Feet.*	
Opollo	0	250	0.5	30	1.0	Bottom of large loose rock, water-worn, with fine shales, gravel, and clay, cemented together.
Old Mill	3½	150	0.5	.....	0.6	
Lee	6	80	0.5	.....	.....	
Pope	7	100	1.0	.....	.....	
Smyers'	10	125	1.0	.....	.....	
Buck	13	150	0.5	.....	.....	Bottom of large loose rock, much water-worn, with fine shales, gravel, and clay, cemented together.
Rock Creek	18	1,400	0.8	30	3.5	
Holcomb	19	150	1.0	.....	.....	
Watson's	22	250	1.0	20	0.8	Shaly rock outcrops from low bluff on right bank, runs inclined across the river, leaving narrow channel on left.
Kendrick	22½	150	2.0	.....	0.3	Shaly rock bottom.
Houston's	25	230	2.0	20	0.4	Shaly rock bottom, inclining from low bluff on right, where shale outcrops.
Harrison's	27	350	1.5	10	0.5	Island 350 by 100 feet, covered with small growth, occurs, leaving the narrow channel on left compacted gravel bottom.
Cook's	30	1,200	0.2 to 3	20	2.3	This shoal consists of three shoals proper, 50 feet long, with a depth of water on them 2 inches, including between them two pools, having a depth of from 2 to 3 feet; bluff on right, 50 feet high, with unconformable shale outcropping.
Clengelheifer	37½	250	2.5	40	0.3	Gravel bottom, with rock distributed.
Luntz's Ford	38	1,500	0.5 to 1.5	25	2.0	Same general remarks as on Cook's Shoal.
Lower Ford	40	250	1.5	60	.....	High sandstone bluff on right; bottom of large rock and shaly gravel.

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Shoals below Perryville.

Name of shoal.	Distance from Perryville.	Length.	Low-water channel.		Remarks.
			Depth.	Width.	
	Miles.	*Feet.*	*Feet.*	*Feet.*	
Alford	5	650	0.5	8	Shaly bluff on right, 50 feet high; bottom of shale.
May's Ford	9	80	2.0	40	Gravel bottom; low banks.
Piney Point	12	900	1.0	30	Low bluff on point; shale rock bottom.
Indian Grave Ridge	13	450	0.5	7	Low bluff on right, with shale outcropping; shale rock bottom.
Red Ferry	20	1,500	0.5	8	Bluff on left, with shale outcropping; shale rock bottom, with large bowlders distributed over the whole width of river.

A general section of the last-named shoals may be well represented by the following sketch of Alford Shoals, except that in the Red Ferry Shoals the shaly bluff is on the left bank of the river.



In low water there is a depth of water in the pools of from 3 to 8 feet or more. With a moderate stage of water, the current in the pools is very slow; but on the shoals it is very rapid. The width between banks varies from 80 to 140 feet, the river in its upper part being generally wider than it is below.

The banks are clayey and not subject to caving. No steamboat of larger dimensions than 42 feet in length and 10 feet beam has ever navigated the stream. Before the war flat-boats were floated out of the river with country produce, and on one occasion, when both the Arkansas and the Fourche la Fave were very high, a flat-boat, carrying a few bales of cotton, was successfully floated out from Bluffton, a small hamlet in Yell County, about 90 miles from the mouth of the river.

Character of the adjacent country.

The valley of the Fourche la Fave, averaging about 1 mile in width on each side of the river, is a very fertile one, although it does not contain the population which its fertility merits.

The bottom lands generally exhibit two terraces, or levels, the lower of which is overflowed during high-water, and is only used as a stock-range; the upper and cultivated level is intersected by frequent spurs of the ridges parallel to the river.

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The valley grows wider above Bluffton, on the eastern edge of Yell County, where the hills on each side strike the river.

Some of the bottom lands in the vicinity of the Arkansas River are overflowed in extreme high water, but are cultivated to a considerable extent.

La Fourche Bluff, referred to in Mr. Abert's report on the Arkansas River, accompanies the Fourche la Fave up for over a mile from its mouth, on the south side.

For every few miles on the south side a bluff, with either sandstone or unconformable shales outcropping, strikes the river; on the opposite side of the river bluffs are of much less frequent occurrence.

All kinds of timber are found in the valley and on the mountains, except poplar. About 1,200,000 feet of cypress and pine are annually rafted out of the river in logs. The river affords excellent water-power privileges; but at present there is only one water-mill on the stream.

In Perryville there is a steam-mill, which supplies all the lumber required in Perry County.

The principal farming products raised in the valley are stock, cotton, and corn. From 6,000 to 8,000 bales of cotton are annually raised in Perry County, and the greater portion of this amount, and what is raised in the upper valley, is hauled in wagons over the mountains and through the valley of the Petit Jean River to Dardanelle, for market, a distance varying from about 30 to over 100 miles, and the remainder is carried to Brown's Landing, about 15 miles from Perryville, on the Arkansas River, for shipment.

Perry County contains 650 taxable inhabitants. The only town on the river deserving mention is the county seat of Perry, Perryville, 26 miles from its mouth. It contains a population of about 100, and sells $40,000 worth of merchandise yearly.

Obstructions to navigation, improvements, and estimated cost.

The obstructions to navigation during high water are leaning timber and snags. From its junction with South Fork to its mouth, the river contains 1,691 snags, and there are 8,480 trees overhanging its banks, obstructing navigation; but since the examination was conducted during high water, the former number should be considerably increased. From Perryville to the mouth of the river there were counted 754 snags and 4,132 trees, of an average diameter of 1 foot. In making the improvement of the river, owing to its small width, the trees will have to be felled on the banks and cut up into small lengths before they will float out at high water, and not form drift-piles.

I do not deem it advisable, owing to the primitive state of the country, to make any improvement further up than Perryville.

It would be impossible, without slack-water navigation—and there seems to be a doubt whether the stream affords enough water in the low-water season—to make the river navigable, with certainty, during any portion of the year above the mouth of South Fork.

Between the mouth of South Fork and Perryville there is an excellent wagon-road on the second bottom, and this distance of 16 miles would not materially increase the cost of hauling when cotton is the shipment.

Were this improvement effected, the cotton in the upper valley would, I think, find its way to Perryville.

The distance from Perryville to Brown's Landing, on the Arkansas, is only about 15 miles; but it is through a low, swampy country, making a very laborious haul.

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In making this improvement I propose using a flat-boat, carrying a hand-crane, with an outfit of tools and rigging for pulling snags and cutting trees, entirely similar to those used on the Upper Ouachita and Little Missouri Rivers last season.

The monthly cost of running such a boat would be:

Supervising civil engineer	$200
Mate	150
Foreman of wood-choppers	100
Fifteen laborers, at $60 per month each	900
Subsistence of 20 men, at $1 per day	600
Two cooks	100
Total	2,050

Estimate of cost for pulling snags and cutting trees from Perryville to the mouth of the river:

Building flat-boat	$[illegible]
Outfit of tools and rigging	1,000
Repairs of tools and rigging	500
Removing 1,200 snags and cutting 4,132 trees, 9 months' work, at $2,050 per month	18,450
Add ½ month for passage of boat down stream	1,025
	21,375
Add 20 per cent. for contingencies	4,275
Total	25,650

By the expenditure of this sum the river would be made navigable up as far as Perryville, for that portion of the year when the Arkansas is high, lasting about eight months, which time would be amply sufficient for the people to ship their farming produce and secure their yearly supplies of merchandise.

It is proper to state, before conclusion, that a small steamer, the Danville, was built with a special reference to the Fourche la Fave and Petit Jean Rivers, and at last accounts had entered the latter stream, but with what progress I have not learned.

I am, general, very respectfully, your obedient servant,

A. H. BLAISDELL,
Civil Engineer.

General W. F. RAYNOLDS,
Lieutenant Colonel, Corps of Engineers, U. S. A.

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6. MOUTH OF LICKING RIVER, OHIO.

CINCINNATI, OHIO, *March* 21, 1872.

GENERAL: I have the honor to submit the following report on the survey of the mouth of the Licking River:

The act of Congress approved March 3, 1871, making appropriations for various river and harbor works, contains a clause in its third section ordering a survey "at the mouth of Licking River, Kentucky, for harbor of refuge." For detailed information as to the special object of this survey, and the kind of harbor proposed by those at whose instance it was ordered, I was referred by the chairman of the Senate Committee on Commerce to the Hon. T. L. Jones, the late Representative in Congress from the sixth district of Kentucky. On consulting with Mr.

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Jones, I found that no definite plan had been proposed, and therefore I have been compelled to discuss the question independently of any suggestion from others.

The phraseology "harbor of refuge" is peculiar as applied to a river. On the lakes, a harbor of refuge is a natural or artificial harbor, generally without commerce, to which vessels run for safety in storms. But storms need not be feared on a narrow river, and river harbors of refuge must therefore provide a shelter from some other destructive force. A mere flood, however high, is not dangerous to river craft, and the only danger that I know of against which boats on the Ohio ever seek protection is ice. When the Ohio breaks up after an ice blockade, there is almost always a serious loss of property afloat, and security for this would undoubtedly be a great boon.

The winter just passed has been a particularly disastrous one in this vicinity, four steamboats and a large number of barges having been sunk or carried away. It remains, therefore, to examine the facilities afforded by the mouth of the Licking River for furnishing protection from ice.

The present survey of the Licking River being by act of Congress confined to an examination of its mouth, was only extended as far up as the first ripple, near the head of which is placed the railroad bridge of the extension of the Louisville and Cincinnati Short Line, to connect with the Newport and Cincinnati bridge over the Ohio. The distance from the mouth to the foot of the ripple is 28 miles, and is the extent to which the Licking is navigable in low water. I succeeded, however, through the kindness of the Hon. T. Wrightson, of the Kentucky legislature, in obtaining copies (unfortunately not entirely complete) of the surveys made of this river in 1829 by Lieutenants Turnbull and Grayson, together with the reports of Sylvester Welch, chief engineer of Kentucky, dated September 13, 1836, and of N. B. Buford, president engineer Licking Navigation Company, dated November 1, 1837.

These maps and reports furnish all that is necessary to a full understanding of the characteristics of this river. The Licking River lies wholly in the State of Kentucky, and rises in the southeast corner of the State, its head-waters being within 20 miles of the Cumberland Mountains, the boundary between Kentucky and West Virginia; its length is about 350 miles, as far as the town of West Liberty. The Lower Blue Licks, 98 miles from its mouth, is the highest point to which average-sized steamboats can ascend, even with lock and dam navigation, as the river above this point is very narrow and tortuous. The tributaries of the Licking are all small, excepting the south branch, which rises in the Blue Grass country near Winchester and Mount Sterling, and joins the main river at Falmouth, 51 miles from the Ohio. In the autumn of 1862 I crossed this stream at its mouth without wetting my feet, but that season was remarkable for its dryness. The slope of the river surface from its mouth to Falmouth, 51 miles, averages 19 inches to the mile; thence to the Lower Blue Licks, 47 miles, 16⅓ inches to the mile; thence to the mouth of Slate Creek, 47 miles, 14⅓ inches to the mile; thence to West Liberty, 86 miles, 15 inches to the mile.

From these figures we see that if this river were ever slack-watered, assuming 10 feet lift of dams, which is as great as ought to be allowed, it would take 8 dams to reach Falmouth, 14 to reach Lower Blue Licks, 20 to reach the mouth of Slate Creek, and 31 to reach West Liberty. The State of Kentucky once undertook to improve the navigation of this river by locks and dams, and built several locks; but work was stopped before any of the dams were finished, and the materials of the locks that were built were afterward sold, and the locks destroyed. If the

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Licking were a river whose own store of ice could be neglected, the only question that could come up in connection with the use of its mouth as a harbor of refuge would be that of capacity; but while its ice seldom gives trouble, as during the winter just passed, it yet cannot be neglected, as in 1856 it was the cause of the most serious loss ever sustained from ice at this port. The following description of this disaster is taken from the Cincinnati Commercial of February 25, 1856: "All was quiet until about 9 a. m. yesterday, when the ice in Licking commenced moving, gorging some four or five feet high at the mouth." It crossed the Ohio "in huge fragments, and quartering toward Main street, cut down several boats in a few minutes."

The result was the destruction of eight steamboats and a large number of barges; the total loss being estimated at $100,000. Nothing as bad as this has occurred since, but it serves to show that the mouth of the Licking could not be relied upon as a certainly safe harbor while in its present condition. The most natural method of providing shelter against ice and drift is manifestly to excavate a capacious basin in one of the river banks, out of the line of the current. This is the method which will first be examined.

Lateral basin.—In order to be generally available for all classes of steamboats, the excavated basin would have to be below the Newport and Covington suspension bridge, which is 83½ feet above low water, and 21 feet above high water. Steamboats that have the means of lowering their chimneys, and whose pilot-houses are not more than 48 feet above the water surface, can get under this bridge whenever there is less than 35 feet of water in the river, but they cannot do so in higher stages; and boats plying between Cincinnati and southern ports, which do not lower their chimneys, cannot pass under it at all in ordinary stages of water. For these reasons, and in view of the great cost of excavating any basin in such high banks, a cost which would not be justified for the protection of only a portion of the commerce of this port, I have not thought it worth while to make any estimates for a work of this kind above the bridge. An examination of the portion of the river below the bridge shows that the only possible place for a basin is on the Newport side, as on the Covington side the banks are rocky, and average 30 feet higher than the Newport banks, being about 80 feet above low water. The suspension bridge enters Newport midway between Madison and Bellevue streets, and assuming that both of these avenues are needed for the service of the bridge, we evidently must take Bellevue street as our southern line.

The United States barracks extend as far southwardly as Taylor street, and this, therefore, must be our northern line.

We are therefore restricted in width of basin to the 450 feet between these two streets. In length, the basin could extend either to Isabella street, in which case it would contain 9½ acres, or to Cabot street, with a surface of 14 acres; but these spaces are not all available for vessels, as the retaining walls and slopes will necessarily occupy a portion. The true measure of the capacity of these basins is their surface at low water, which will be given after the details of construction have been settled. To obtain 6 feet at low water would necessitate an excavation of 58 feet in average depth.

The number of cubic yards to be removed cannot be ascertained until the method of protecting the sides of the excavation is determined, as the prism of excavation is very different for protection by walls from what it is if earthen slopes are used. We will therefore pass at once to

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the consideration of the sides of the basins. They may be protected by retaining-walls, which would preserve the greatest practicable amount of interior space, but would be very costly, or by letting the earthen banks stand at their steepest natural slope, and protecting them from the weather by a paving of stone.

I have carefully calculated the required sizes of retaining-walls, and find that one 5.6 feet wide on top and 14 feet wide at bottom, with vertical back, would best meet the required conditions. Such a wall would have a cross-section of 568.4 square feet; and, for the smaller basin, its entire contents would be 37,893 cubic yards, which, at $9 per cubic yard, would cost $341,040. The wall for the larger basin would contain 56,840 cubic yards, and would cost $511,560.

Having ascertained the proper dimensions for the retaining-walls, we now know how much excavation in excess of that for the basin alone will be needed to make room for them. The total excavation for the smaller basin will be 754,000 cubic yards, at an estimated cost of $301,600, and for the larger, 1,241,200 cubic yards, at a cost of $496,480.

The expense of a retaining-wall is so great that the next question to be investigated is the possibility of dispensing with it, and using instead the natural slope of the bank, with a protection of paving against wash. This method, however, would considerably reduce the capacity of the basins, as the bounding streets must be preserved, and therefore the bases of the slopes will be taken from inside. Assuming that the greatest practicable slope in the soil in question will have an angle with the horizon of 50 degrees, we will then find for the sides of the smaller basin a surface of 124,704 square feet, which, at $5 per 100 square feet, will cost $6,235 for paving. A similar protection for the side slopes of the larger basin, which have a surface of 185,004 square feet, would cost $9,250. But this last method would greatly reduce the amount of excavation to be made in either basin: for the smaller there would be a reduction from 754,000 cubic yards to 588,260, which would result in a saving of $66,296; for the larger the reduction would be from 1,241,200 cubic yards to 987,173, and the saving would be $101,611.

It should be remarked that all of the above estimates have been made on the supposition that the entire excavation is an alluvial soil. Should rock be met, which can easily be ascertained by boring, these estimates must be increased. The construction of these basins to a depth of 6 feet below low water will necessitate a coffer-dam and steam-pumps. After the interior work is finished, the coffer-dam will have to be removed, with the earth on which it stood, and that outside of it, as far as the middle of the channel; this can only be done by a steam-dredge. These expenses I have estimated at $20,000.

The next question before us is to ascertain the capacities for sheltering vessels of the four different basins under consideration. Assuming the average steamboat as 250 feet long and 70 feet wide, and a coal-barge as 130 feet long and 24 feet wide, we see that the smaller basin, with retaining-walls, will give an available surface at low water of 6.7 acres, which will afford shelter for 16 steamboats or 93 barges; but with natural side slopes, it will give an area of but 5.8 acres, which will accommodate 14 steamboats or 80 barges.

The larger basin will contain, with retaining-walls, 11 acres, which will suffice for 28 steamboats or 156 barges; with sloping sides it will contain but 9.8 acres, and will shelter 24 steamboats or 137 barges.

The cost of the land for the smaller basin at present prices would be about $90,000; for the larger basin it would be about $150,000.

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Putting our preceding conclusions into tabular form, we have the following:

	Available surface in acres.	Accommodations.		Cost of coffer-dam and pumping.	Cost of excavation.	Cost of retaining walls.	Cost of revetting walls.	Contingencies and engineering 5 per cent.	Cost of land.	Gross cost.
		For steamboats only.	For barges only.							
Small basin	6.7	16	93	$20,000	$301,600	$341,040	.....	$33,132	$90,000	$752,640
Do	5.8	14	80	20,000	235,304	.....	$6,235	13,077	90,000	351,539
Large basin	11.2	27	156	20,000	496,480	511,560	.....	51,402	150,000	1,178,040
Do	9.8	24	137	20,000	394,869	.....	9,250	21,206	150,000	574,119

By this comparison we see that the cheapest basin or dock that could be made would cost $351,539; would contain an available surface of 5.8 acres, and would shelter 14 steamboats or 80 barges. It should also be borne in mind that an annual expenditure will be necessary to keep up this basin, as when either the Ohio or the Licking is high their waters come down heavily charged with sediment, which is rapidly deposited in eddies or in stagnant water. There would therefore be a constant annual expense for dredging this basin, or else it would soon fill up.

Besides all this, it is essential to the utility of the proposed basin, or to any project for utilizing the lower portion of this river, that the bar at its mouth should be removed. Estimates for this work are given further on.

I had thought that the river itself might be made available for the purpose suggested, and with that view I intended making estimates on two different plans, each based on the supposition that if the Licking ice were broken up before it reached the lower section there would be no danger from it. One plan proposed additional piers in the river above the railroad bridge, so situated as not to interfere with the flow of water, but so that they would break up all large masses of ice. The other plan was to estimate for two dams, with an aggregate rise of 20 feet. These dams were to be provided with locks, so that they might help and not obstruct navigation. I have not made the proposed estimates, however, as I have since learned that the ice from the Licking is always sufficiently broken up by the banks before it reaches the Ohio, and that the ice that did the great damage in 1856 was in small cakes. (The Commercial speaks of it as crossing the Ohio "in huge fragments;" this, however, is doubtless a reporter's exaggeration, as my information comes from a very intelligent steamboat captain who was an eye-witness of the break-up.)

The difficulty with this river arises from its heavy slope and the sudden floods, both of which causes are apparently beyond human control. There is, however, an excellent work that can be done for the improvement of the Licking, which is also essential to its use for a harbor of refuge, in the removal of the rock bar that now obstructs its mouth.

This would greatly add to the available wharfage of this port by opening up a place for the unemployed steamboats which now encumber the present landings, and which, as things are now, do not dare to enter the Licking on account of the uncertainty of being able to get out when they are wanted.

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A comparison of the map with the profile will show this bar very plainly. I have made estimates for two routes and two different depths of water. The shortest cutting is not the one which I would recommend, as it would operate to direct the current of the Licking straight to the Cincinnati landing, where it might cause injury to boats, especially during ice floods. The longer channel curves gently down stream and directs the Licking current into the middle of the Ohio.

Should the cut be made to give 6 feet at low water, it would make the Licking accessible, during the lowest stages, as far up as the Licking Iron Works. At present, during the low water, there is but .6 foot on the bar at the mouth. The greatest depth of cutting would, therefore, be 3.4 feet for a 4-foot channel and 5.4 feet for a 6-foot channel. It is difficult to estimate the cost of this work, as so much depends upon the condition of the river during the summer. The last contracts for work on the Chain in the Mississippi, at Rock Island, varied from $8 per cubic yard to $14 50.

It is thought that local circumstances here are more favorable than they were there, and, therefore, I have chosen the lowest of these prices as the probable cost of similar work here. Both of the indicated channels are 200 feet in width at the mouth of the river, being wider than the river itself a little above the mouth, and thence widening gradually into the deep water of the Ohio. The shorter and more direct channel is about 1,200 feet long, while the curved and better channel has a length of about 1,600 feet. The rock through which the channel will have to be cut is the ordinary stratified limestone of this locality, and presents no difficulty in working. To make the shorter channel, with a depth of 4 feet at low water, it will be necessary to remove 19,878 cubic yards of rock; for a depth of 6 feet, 39,650 cubic yards must be removed. For the curved channel, which I prefer, 26,586 cubic yards of rock excavation would be needed for a 4-foot channel, and 53,185 cubic yards for a 6-foot channel.

Tabularly stated, the comparison is as follows:

	Depth at low water.	Yards of rock excavation.	Cost of rock excavation.	Contingencies and engineering, 5 per cent.	Total cost.
Straight channel	4 feet	19, 878	$159, 024	$7, 950	$166, 974
Do	6 feet	39, 650	317, 200	15, 860	333, 060
Curved channel	4 feet	26, 586	212, 688	10, 134	222, 822
Do	6 feet	53, 185	425, 480	21, 274	446, 754

As the removal of this bar is an essential part of my plan for making a harbor of refuge, it being almost a *sine qua non* that there should be free access to the harbor at all stages of water, it is proper that the cost of removing this bar should be added to the previous estimate for a basin. We therefore have the following estimates for the entire work necessary to make a harbor of refuge in the Licking, near its mouth:

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Estimates for harbor of refuge in the Licking, near its mouth.

	Estimated cost.	Straight channel over bar.		Curved channel over bar.		Greatest cost of [illegible]
		Four feet.	Six feet.	Four feet.	Six feet.	
Small basin, with walls	$752,640	$166,974				$919,[illegible]
Do	752,640		$333,060			1,085,[illegible]
Do	752,640			$222,822		975,[illegible]
Do	752,640				$446,754	1,199,[illegible]
Small basin, with slopes	351,539	166,974				518,[illegible]
Do	351,539		333,060			684,[illegible]
Do	351,539			222,822		574,[illegible]
Do	351,539				446,754	798,[illegible]
Large basin, with walls	1,178,040	166,974				1,345,[illegible]
Do	1,178,040		333,060			1,511,[illegible]
Do	1,178,040			222,822		1,400,[illegible]
Do	1,178,040				446,754	1,624,[illegible]
Large basin, with slopes	574,119	166,974				741,[illegible]
Do	574,119		333,060			907,[illegible]
Do	574,119			222,822		796,[illegible]
Do	574,119				446,754	1,020,[illegible]

A careful examination of this table will show that on any plan the cost of the combined works indicated is very great; and when we consider the fact that the loss from the most disastrous break-up was only estimated at $100,000, which was, probably, in excess of the fact, and that the average annual loss will not, probably, exceed $10,000, it is a question whether it would not be better to pay the sum annually rather than expend so much upon a work of doubtful utility. Even should the basin be constructed, there will always be boats at the wharves, some of which will be caught there while loading or unloading, and others will stay there by choice, taking the chances of a safe break-up in order to save time and get their cargoes aboard, so as to start out the moment the river is clear.

If Congress decides to make an appropriation for the improvement of the mouth of the Licking, I would recommend that it be limited to the removal to a depth of 4 or 6 feet of the rock-bar, selecting the curved channel as the one to be constructed.

For a 4-foot channel $222,822 would be needed, and for a 6-foot, $446,754. The removal of this bar would be of great local advantage, as it would furnish a good low-water harbor for unemployed boats, thus freeing the city wharves, and it would make available for repairing docks, and for other manufacturing establishments, 5½ miles of water front, now but little used on account of the bar at the mouth of the river. It would be of such advantage to the two cities of Covington and Newport that they would, probably, be willing to assist in the work. Three sheets of maps, on a scale of 1 inch to 200 feet, accompany this report, as also one sheet showing the longitudinal profile of the three miles under examination.

Respectfully submitted.

WILLIAM E. MERRILL,
Major Engineers.

General A. A. HUMPHREYS,
Chief of Engineers, Washington, D. C.

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7. TAMPA BAY, FLORIDA.

UNITED STATES ENGINEER OFFICE,
Mobile, Alabama, March 30, 1872.

GENERAL: I have the honor to forward herewith the report of Mr. Gustave Jaenicke, assistant engineer, on the survey of Tampa Bay, at Tampa, Florida, authorized by act of Congress approved March 3, 1871.

Mr. Jaenicke submits three estimates:

1. For a straight channel, with a width at base of 200 feet and slope of 2.5 feet horizontal to 1 foot vertical, and a uniform depth of 12 feet, mean low tide, estimated cost, $502,121 90.

2. For deepening the present sailing channel, which he prefers, 200 feet wide at base, 12 feet deep, and slope 2.5 to 1, estimated cost, $549,621 80.

3. For deepening the present sailing channel, width at base 100 feet, slope, 2.5 to 1, depth, 12 feet, estimated cost, $287,475 65.

In view of the magnitude of the cost of either of these projects, and the liability of the channel in either case to fill up, I would recommend as preferable (for private enterprise, however,) the construction of a railroad from the city of Tampa to Passage Point. This point is only about 9 miles from Tampa, affording a good site for an *entrepôt*, and what gives it especial value, vessels drawing 18 feet of water can approach it within ¼ mile. The railroad could be made and stocked for less than $20,000 per mile, or $180,000 for the whole distance, and as the city of Tampa at no distant day will be connected by rail with the Florida railroads to the north of it, I have no doubt that this extension of the to Passage Point will naturally follow as a consequence.

For these reasons and the present limited demands of commerce in this section, I do not recommend any appropriation by Congress for the improvement of the harbor of Tampa.

I forward to day by mail, illustrative of Mr. Jaenicke's report, in one roll:

One map of survey of Tampa Bay at Tampa, Florida; one diagram, showing soundings of Tampa Bay lower down; three sheets of current observations; one diagram, showing railroad scheme.

I am, very respectfully, your obedient servant,

J. H. SIMPSON,
Colonel of Engineers, United States Army.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

UNITED STATES ENGINEER OFFICE,
Mobile, Alabama, November 30, 1871.

GENERAL: On the 26th of June I received the following instructions:

"UNITED STATES ENGINEER OFFICE,
"*Mobile, Alabama, June* 26, 1871.

"SIR: You are hereby placed in charge of the examination and survey of Tampa Bay, Florida, and will proceed to Apalachicola, Florida, where you will hire a sloop and organize a party for the work. You will then proceed to Tampa.

"This examination and survey will probably extend from the town about 4 miles down the bay. The object of the work is to obtain full

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and exact information as to what will be required to improve the navigation to the extent authorized by the present or prospective commerce of the port. You will first proceed to make an examination, and in this connection you will consult pilots, masters of vessels, merchants, custom-house officials, and such other persons as may be acquainted with the nature of the obstructions, and get their views as to the best means of overcoming them. You will also obtain all the information possible as to the present commerce of the place and the probable effect of the improvement on its increase. The result of this examination you will transmit to this office as soon as possible, with a rough estimate as to the cost of obtaining a good channel up to the wharves at Tampa, with 12 feet of water at mean low tide.

"Afterward you will proceed to make such a survey of the bay as will enable you to make a map showing the nature and extent of the obstructions and an accurate estimate of the cost of improvement.

"Mr. D. M. Currie is sent with you as an assistant, and will be subject to your orders.

"You will make, every Saturday, a detailed report of operations, showing the progress made during the week ending on that day, and forward as often as the mail and opportunities will allow.

"The amount allotted for the examination and survey still available is $1,938 40, which must cover all expenditures to be made, including the work of the draughtsman in plotting the work when you return to this office, which you will do as soon as the field-work is completed.

"Your pay will be at first $150 per month; if satisfaction is given it will be increased to $200.

"I trust you will exert every ability, and carry on the work accurately, energetically, and economically.

"Very respectfully, your obedient servant,

"A. N. DAMRELL,

"*Captain Engineers, United States Army.*

"Mr. GUSTAVE JAENICKE,

"*Civil Engineer, Mobile, Alabama.*"

In accordance with these instructions, I left Mobile on board light-house tug General Poe, accompanied by my assistant, Mr. D. M. Currie. We arrived at Apalachicola June 29, 10 o'clock a. m., where I organized my surveying party, hired a sloop, and proceeded in her to Tampa, Florida, stopping on the way at St. Mark's to leave Mr. Burney, who was to conduct the examination and survey of St. Mark's River. I arrived at Tampa on the 13th of July, 1871, and began work July 17, 1871.

During the progress of the work tide observations were taken at intervals of fifteen minutes, and when I was occupied with soundings and borings the readings from the rod were noted at intervals of five minutes. The gauge-clock used for these observations showed true time and was regulated by meridian altitude of the sun.

I began to take soundings and borings between the two islands lying at the mouth of the river, called the Small and Rabbit Islands, and as this is a very important part of the survey of the bay, I wished immediately to have an idea of the formation and construction of the bottom, and for that purpose I sounded and bored at points 30 feet apart, running a diagonal course in the channel from the south point of the Small Island to the northeast point of Rabbit Island.

I located the extreme points of Rabbit and Small Islands, and ascertained that the former extended about three-fourths of a mile from northeast to southwest, and three eighths of a mile from northwest to south

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east, and was composed of swamps covered with dead mangrove wood, and with sand along the outer edges, and that the latter extended about one fourth of a mile in length from north to south and one-eighth of a mile wide from east to west, all swampy, covered with grass and weeds.

After having selected the various stations for triangulations, the beacons, tripods, and signals were established. I measured the base line on the eastern shore of Hillsborough River, extending 2,000 feet north, 7° 50′ east. I then located all the different stations, and began soundings and borings from the upper wharf at Tampa, in Hillsborough River. The soundings were taken in parallel ranges, 100 feet apart, and were carried on successfully when the weather permitted; but thinking the appropriation would run out before the work was completed, I was obliged to run the ranges a greater distance apart toward the end of the work than at the commencement.

A series of careful tidal observations were made during the whole period of the work, combined with current observations at different stations. The instruments used for these observations were a ship-log and a log-line, divided into feet and fathoms, a 15-second glass, two globes for subsurface currents, a box-gauge, with float, and a 12-foot rod, divided into feet and tenths, a good-going clock, and a sextant to measure the angle of direction.

Thursday, the 17th of August, a northwest gale set in, with constant rain. At 12 o'clock, noon, a hurricane was blowing from west-northwest, the water rising 1.5 foot higher than usual. This hurricane did a great deal of damage, not only on shore, by blowing down fences, trees, telegraph-posts, &c., and overflowing the railroads of the interior, but also on the water, by forcing boats from their fastenings, and destroying my beacons, tripods, signals, and most of the range-poles. This weather continued until the morning of the 19th, when the gale settled down to a fresh breeze, and I began to repair the damage as quickly as possible. A great deal of time and material was lost by this fearful weather.

The damages done by this hurricane were just repaired when another northeast gale set in, on the 24th of August. Ten o'clock a. m. on the 25th the wind shifted from northwest to southwest, washing and blowing all the established tripods and signals down again, this making the second time the work was interrupted in the most disagreeable manner. Monday, the 28th of August, I was able again to proceed with the work, and carried on the observations from this date to the 15th of October, when I reached deep water, that is, 12 feet mean low water, mid-bay.

During this period the most unfavorable weather was prevailing; strong north winds changed with calms and heavy rains. On the 15th of October I stopped the work, and discharged the sloop and our crew. On the 19th of October I ordered my assistant, Mr. D. M. Currie, back to Mobile to plot the work, and I remained, having received a communication from the office to wait for the light-house schooner Florida, and to return in her to Mobile at the end of the month. I took the work up again, hired the men by the day, and made current observations during five days, as already mentioned above, from the 27th to the 31st of October. On this day the schooner Florida arrived. I finished up the work and discharged the men, and returned in her to Mobile.

This examination and survey gives the following results:

First. In regard to the soundings, I find that the lower part of this river flows in a bed composed of successive layers of solid limestone rock, mud, sand, and shells in great irregularity, varying from 5 to 6 inches in thickness, and that the least depth of water attained at mean

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low tide in mid-channel is 45 feet. The depth of the river at mean low water between the upper wharf and the Government wharf varies from 9 to 11 feet; from this place to the mouth of the river it decreases again, and the present sailing channel has an average depth of 5 feet till it reaches the quarantine pole, where there is 4.5 feet at mean low water; from here to the middle of the bay the depth gradually increases to 12 feet at mean low tide. The bottom of the present sailing channel is composed of a soft, movable mud, into which a person can, without any exertion, push a pole from 10 to 12 feet.

The greatest velocity of ebb tide is 2.9 miles per hour, and for flood tide 1.4 mile per hour. The surface currents depend a great deal on the wind; when northerly winds are blowing there is very little flood current. At flood tide I found the maximum velocity at a depth of 6 feet, being 30 feet in fifteen seconds, equal to 1.4 mile per hour.

At ebb tide I found the maximum velocity on the surface 64 feet in fifteen seconds, equal to 2.9 miles per hour; the accompanying diagram will show it. Often I observed a sudden slacking of the water in the bay when the wind was shifting around, and I presume that during these stands sediments are settling down, forming those banks in the upper part of the bay.

The ebb current at the surface runs down sometimes two or three hours longer than regular tidal time would permit, while a slow flood current is running up at the bottom.

The rise and fall varies much; its average is 2.5 feet in summer time, when southerly winds are prevailing; in winter time it ought to be less, because the northerly winds force the water out of the bay.

By this examination and survey I find, secondly, that there are two ways to get a channel up to the wharves of Tampa, as the accompanying estimate will show.

The first one I would recommend is to use the present sailing channel, which runs in a crooked way along the western shore, with an average depth of 5 feet, to the quarantine pole, and from there the depth increases, running in a curve toward the western shore, moving out again, in a southeastern direction, until it reaches deep water.

The second one would run from the 12-foot water point in a straight line, between the two islands, with very little curve, up to the wharves of Tampa.

The present sailing channel has, throughout, a soft, muddy bed, and a short distance only is to be cut through a sandy bottom, while the proposed straight channel would be cut through sand for a distance of 15,500 feet.

Considering the ebb current to be the stronger, it would keep both channels open if a dike or bulk-head should be built from the small islands to the eastern bank of Hillsborough River, and another from Oyster Bar to the western shore. In this case the current would be increased on account of the quantity and pressure of the water.

The Small Island lies like a breakwater at the mouth of the river, and splits the current into two branches—one running south, along the western shore; the other turning to the north, and flowing along the eastern shore of the bay. Vessels drawing 12 feet of water can always run up behind Rabbit Island and find a good anchorage.

The entrance to Manatee River is difficult to find. There ought to be a large beacon placed at its mouth.

It would also be of great importance to the coasting trade if a beacon-light be established at Gadsden Point, to guide vessels coming up Egmont Key channel at night.

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Whether these improvements be carried out or not, the present sailing channel should be staked or marked out in some way.

Three estimates are submitted: one for a straight channel with a width at base of 200 feet, and two for deepening the present sailing channel, one with a width at base of 200 feet, and one of 100 feet; all with a slope of 2.5 feet horizontal to 1 foot perpendicular, and a uniform depth of 12 feet mean low tide.

Estimate of cost for the straight channel, width at base 200 feet, slope 2.5 feet to 1 foot, depth 12 feet.

846,573 cubic yards of material to be removed, at 50 cents	$423,286 50
8,396 cubic feet of rock to be removed, at $3	25,188 00
800 linear feet of piling and planking for jetties, at $10	8,000 00
Contingencies and engineering, 10 per cent	45,647 40
	502,121 90

Estimate of cost for deepening the present sailing channel, width at base 200 feet, slope 2.5 feet to 1 foot, depth 12 feet.

938,991 cubic yards of material to be removed, at 50 cents	$469,495 50
8,396 cubic yards of rock to be removed, at $3	25,188 00
500 linear feet of piling and planking for jetties, at $10	5,000 00
Contingencies and engineering, 10 per cent	49,938 30
	549,621 80

Estimate of cost of deepening the present sailing channel, width at base 100 feet, slope 2.5 feet to 1 foot, depth 12 feet.

487,495 cubic yards of material to be removed, at 50 cents	$243,747 50
4,198 cubic yards of rock to be removed, at $3	12,594 00
500 linear feet of piling and planking for jetties, at $10	5,000 00
Contingencies and engineering, 10 per cent	26,134 15
	287,475 65

After my arrival at Tampa, on the 15th of July, I endeavored to make myself acquainted with the commercial and mercantile affairs of the place. I submit the following report, based on researches supported by the opinions of the most prominent business men of the place.

Tampa, situated on the eastern bank of Hillsborough River, is a place of about one thousand inhabitants, white and colored, rapidly increasing by settlers from the North. It has a few Government buildings, situated on a fine, well-cultivated spot of land, surrounded by live-oak trees, called Fort Brooks, or more generally known as the Garrison, in charge of an agent of the United States Quartermaster Department, and also occupied by a custom-house officer.

The soil is sandy, but very productive; sweet potatoes, cotton, sugar-cane, oranges, and all kinds of tropical fruits are advantageously cultivated. Cypress, cedar, oak, and pine grow abundantly; cattle, hogs, sheep, chickens, &c., are extensively raised; hides, deer, and otter skins, beeswax, sugar, and sirup, are exported.

There is one saw-mill and cedar-pencil mill, turning out daily lumber and cedar-pencil boards, which are shipped to Europe.

The annual exports and imports of Tampa are about sixty thousand bales of different kinds of merchandise. In connection with the above

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statement of exports, obtained from the most reliable persons in Tampa. I give the statements of other individuals as to the shipments of cattle made from this section of the country, and passing through the waters of the bay to foreign ports.

There are from twelve to eighteen thousand head of cattle shipped from this port, and a greater part of the value accruing from these shipments returns to this port in the shape of merchandise, consisting of groceries, dry-goods, hardware, &c., to be disposed of in the interior. The fishing trade is carried on to a great extent, and a good business is done by traders in oysters.

In Tampa there are about eighteen stores dealing and exchanging their goods for the produce of the country around.

There is not much money in circulation; business is done on the credit system.

Besides these stores there is one newspaper printing establishment, a blacksmith, tinsmith, harness-maker, and two carpenters, all white; the laborers are all colored men.

At present Tampa is isolated; there is no railroad communication with the North, and only small coasters maintain the trade between this place and the ports of the Gulf. Notwithstanding this, there is a considerable business done.

A small steamer runs between Tampa and Cedar Keys, connecting weekly with the mail-boat for New Orleans, touching at Manatee River and Clear Water Harbor, carrying the United States mail.

In relation to the mails, there is an overland mail from the North to this place twice a week, arriving Monday and Saturday, leaving Sunday and Wednesday.

In the immediate vicinity of Tampa there are some very fine sulphur springs, and if communications were opened by water or land, they would attract visitors from all parts of the country, and would be a source of considerable profit to the town and surrounding country.

There is a very large extent of country surrounding Tampa which is extremely fertile, having the finest climate in the world, but which is sparsely populated, with all the advantages necessary to build a country, provided the natural advantages are improved.

The present contemplated improvements will, in the opinion of business men of this place, increase the imports and exports at least 100 per cent.

If Tampa is connected with the North by rail, and the proposed improvements are made, the place will no doubt rapidly improve; it will be brought in connection with all the ports in the Gulf by lines of steamers. Goods can then be carried by steamer to Tampa, and from there sent North by rail, avoiding the dangerous carriage around Key West.

Respectfully submitted.

GUSTAVE JAENICKE,
Assistant Engineer in Charge.

Brevet Brigadier General J. H. SIMPSON,
Colonel of Engineers, United States Army.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No 253.

WAGON-ROAD IN WYOMING.

[To accompany bill H. R. 1512.]

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

A wagon-road in Wyoming.

APRIL 12, 1872.—Referred to the Committee on the Territories and ordered to be printed.

WAR DEPARTMENT, *April* 10, 1872.

The Secretary of War has the honor to return to the House of Representatives the proposed bill (H. R. 1512) for the location and construction of a Government wagon-road from Laramie City, Wyoming Territory, to Fort Fetterman, in said Territory, referred by the Committee on Territories to this Department, with a request for certain information, and to state that the Secretary of War has full authority, and constantly exercises it, to open roads between the frontier military posts when he considers them necessary for military communication.

There is now a road, generally excellent, from Fort Laramie to Fort Fetterman, by which supplies for Fort Fetterman are hauled by military trains from the depot at Fort D. A. Russell, or at Cheyenne, via Fort Laramie, total distance one hundred and seventy miles.

The opening of a new road direct from Laramie City, fifty-seven miles west of Cheyenne, to Fort Fetterman would shorten the wagon-route of supplies from the Pacific Railroad to Fort Fetterman, and were a good road opened on this route it is probable that some of the supplies would take the new route, which would be about one hundred and ten miles, if straight.

If the appropriation is made, it would probably be saved in a few years by the reduction of the wagon-haulage of supplies to Fort Fetterman.

But while it is about one hundred and ten miles in a straight line from Laramie City to Fort Fetterman, the Pacific Railroad, at fifty miles northwest of Laramie City, runs within seventy-five miles of this post, and the shortest military line of wagon-supply would start from this bend of the railroad fifty miles northwest of Laramie.

WM. W. BELKNAP,
Secretary of War.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 254.

REVENUE MARINE STEAMERS ON THE LAKES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of the 18th January relative to United States revenue marine steamers on the lakes during the past season.

APRIL 12, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., April 9, 1872.

SIR: In conformity to the resolution of the House of Representatives of January 18, 1872, I have the honor to transmit the accompanying statement, compiled from the records of this office, showing—

1st. What United States revenue marine steamers have been employed upon the lakes during the past season, with the duties and services performed, the extent of the cruising ground, and the aggregate distances sailed by each vessel respectively.

2d. What assistance each has rendered to vessels aground or in distress, and to their passengers, crews, and cargo.

3d. What assistance each has rendered in relieving sufferers by fire in the lake regions, or in the transportation of clothing and supplies for the relief of such sufferers.

4th. The condition and efficiency of each of such vessels at the present time.

5th. What repairs or rebuilding of such vessels is considered necessary for the efficiency of the service for the coming season.

In response to the 6th requirement, I have to say that a special commission, appointed some two years ago to "consider and report upon the character of vessels best adapted to the revenue marine service, and such other matters as appear calculated to advance the interests of the service," in their report, dated May 1, 1870, (Ex. Doc. No. 93, 41st Congress, 2d session,) expressed the opinion that the number of vessels upon the lakes was beyond that actually required for the protection of the revenue in those waters, and that four vessels could perform the necessary duty there, and suggested that two of the six might be sold. During the last season but four were in commission, and they seem to have amply protected the interests of the Government.

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I therefore concur in the opinion of the commission, and believe that two of the vessels may be sold or disposed of without detriment to the service.

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. J. G. BLAINE,
Speaker House of Representatives.

Statement showing what United States revenue marine steamers have been employed upon the lakes during the season of 1871, *the duties and services performed, the extent of the cruising grounds, the aggregate distances sailed, the assistance rendered to vessels aground or in distress, and to their passengers, crews, and cargo, the assistance rendered in relieving sufferers by fire in the lake regions, or in the transportation of clothing and supplies for the relief of such sufferers, by each vessel respectively, the condition and efficiency of each of such vessels at the present time, and what repairs or rebuilding of such vessels are considered necessary for the efficiency of the service for the coming season, and whether any of such vessels may be sold or disposed of without detriment to the public service.*

The revenue steamers employed upon the lakes during the past season were four in number, named and stationed as follows, viz: Revenue steamer Johnson, Captain David Evans commanding, stationed in charge of the collector of the customs at Milwaukee, Wisconsin; revenue steamer Fessenden, Captain Gilbert Knapp commanding, stationed in charge of the collector of the customs at Detroit, Michigan; revenue steamer Sherman, Captain Francis Martin commanding, stationed in charge of the collector of the customs at Cleveland, Ohio; revenue steamer Chase, Captain T. Treadway commanding, stationed in charge of the collector of the customs at Oswego, New York.

The following is a statement of the duties and services performed by each respectively, commencing with the first named:

The Johnson, whose cruising ground extended over the whole of Lake Michigan, was put in commission on the 31st day of May, under command of Captain David Evans, and cruised until the 4th of December last, in the regular discharge of duties pertaining to revenue vessels in the protection of the revenue. The aggregate distance sailed and steamed was 6,785 miles. During the above time, 146 sailing-vessels and 9 steamers were boarded and examined, and 21 of the former were reported for violation of the revenue laws.

Important assistance was rendered to nine vessels aground or in distress, and seven lives were saved. The names of the vessels and nature of the assistance given are, in detail, as follows, viz:

September 3.—Hauled afloat the schooner Pilgrim, ashore near Little Point Sauble, Michigan.

September 20.—Procured the assistance of the Fountain City at Pine River to tow the propeller Badger, disabled by loss of rudder, to a place of safety.

October 20 to 24.—Took on board the captain and crew of the bark J. B. Winslow, of Detroit, and towed her, dismantled and water-logged, from South Manitou to Milwaukee, saving ship and cargo.

Assisted scow Mollie, of Buffalo, at South Manitou, in distress, with loss of sails, and supplied provisions.

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November 17.—Moved schooner Dan Tirrell, of Chicago, water-logged, from an exposed position.

On the night of November 19, saved the captain and crew of the schooner Laurel, of Chicago, during a northeast storm, weather cold and freezing. This vessel had gone on shore by mistaking the pier-light, and the crew were in imminent danger of freezing to death. The captain highly commends the courage and skill displayed by Lieutenant Thomas E. Ashmead in rescuing lives on this occasion.

November 20.—Attempted to save the Laurel; failed to get her off the beach; saved sails, rigging, &c. Also pulled steamer Madison off Sheboygan bar. Made two fruitless attempts to find and rescue schooner Levant. Attempted to save the brig Courtwright, on shore near Kenosha.

On the 17th November took the captain of the schooner Illinois on board, and made diligent search for his vessel, but could not find her.

Special services were rendered by this vessel as follows:

About the 1st of last August, by order from the Department, issued upon application of the United States district attorney for western Michigan, dated July 18, 1871, the Johnson conveyed that officer and the marshal of his district from Milwaukee to Beaver Island, in the district of Western Michigan, and assisted them in the enforcement of the law. These officers had, on a previous visit, been defied and driven off the island by lawless persons, when attempting to take possession of personal property and arrest a person under due process. The property had been taken from the officers by force, and the person rescued. On this occasion, with the assistance of the steamer, the leaders in the sedition were arrested and carried to Grand Haven, Michigan, for trial. Captain Evans reports that, in subsequent visits to this island, he found reason to believe that the people were wholesomely impressed with the importance of law-abiding in the future.

In September last a scientific party from the Smithsonian Institution, Washington, District of Columbia, was taken on board, by permission of the Secretary, and assisted in every possible way in fulfilling their purpose of obtaining soundings and dredging in the deep waters in various parts of the lake. This party was engaged in the performance of duties assigned by Professor S. F. Baird, United States commissioner of fish and fisheries. The assistance afforded them did not interfere with the regular duties of the vessel.

The revenue steamer Fessenden was put in commission on the 15th day of May last, at Detroit, Michigan, Captain Gilbert Knapp commanding, and cruised actively until the 24th day of November, in the performance of prescribed duties in protection of the revenue.

The cruising ground of this vessel extended from the head of Lake Erie for a southeastern terminus, thence north as far as Lake Huron and Saginaw Bay. The aggregate distance sailed and steamed was 5,231 miles; the number of vessels boarded and examined, 264; the number of vessels reported for violation of revenue laws, 3.

The following vessels were assisted in distress during the time of active service, viz:

June 5.—Got afloat the steamer R. J. Hackett, of Detroit, ashore on a shoal in St. Clair River, after six attempts.

June 10.—Worked a number of hours on the schooner Columbian, of Detroit, ashore on Belle Isle Shoal.

June 17.—Got afloat the steamer Rescue, of Ontario, ashore on St. Clair Flats.

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July 11.—Worked a long time on the steamer Exchange, of Cleveland, ashore on St. Clair Flats.

October 28.—Towed ashore, for the purpose of saving the machinery, the hulk of the steam-tug Eclipse, burned and abandoned on Lake Huron.

November 5.—Got afloat and towed to anchorage the schooner William Wallace, ashore on South Bass Island.

November 7 to 18.—Towed from Detroit to Lake Huron the schooners and scows E. G. Purrington, H. T. Merry, Storm, Evergreen, and Curlew, loaded with supplies for the lake-shore sufferers.

The revenue steamer Sherman went into commission June 1, 1871, under command of Captain Francis Martin, and cruised on Lake Erie, in the protection of the revenue, until the 31st of October, 1871.

The cruising ground of this steamer covered the middle and eastern portions of Lake Erie. The regular duties performed by this steamer are reported as follows:

Number of vessels boarded and examined	2,96
Number of vessels reported for violation of revenue laws	8
Number of vessels assisted in distress	
Number of miles sailed and steamed	5,10
Number of miles boat duty	1,38

The aid furnished vessels in distress or ashore is as follows:

On the morning of July 1 information was received that the schooner Denmark was ashore on Point Erie, and that all assistance from private parties had proved ineffectual in getting off the vessel. The Sherman proceeded at once to the point and found the schooner high up on the beach, with a sand-bar formed outside of her. A thirteen-inch hawser was attached and the full power of the engine exerted to get her off. After several hours' labor the schooner was got afloat, having suffered little damage. As a strong southeast gale had commenced blowing, this schooner, valued, with her cargo, at about $20,000, would have been a total loss within twenty-four hours had she not been rescued by the Sherman.

September 22.—Information was received that the schooner Caroline was ashore on Madison Point. The steamer hastened to her assistance, ran out a hawser, and commenced hauling with a full head of steam. After about two hours' labor the vessel was drawn off. The value of the Caroline was estimated at $1,000.

October 4.—Succeeded with an officer and boat's crew in getting afloat the schooner Petrel, aground in Grand River. Estimated value of vessel and cargo, $6,000.

The revenue steamer Chase went into commission on the 1st of last June, under command of Captain T. Treadway, and cruised until the close of the season, December 6, 1871, in the performance of her regular duties as a revenue vessel.

The cruising ground of the Chase covered the whole of Lake Ontario, from Genesee River to Ogdensburgh, on the Saint Lawrence River. The services performed are reported as follows:

Number of miles steamed and sailed	3,67
Number of vessels examined	2
Number of vessels seized	
Number of vessels assisted	1

During the season assistance was given to the following vessels on Lake Ontario:

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August 12.—Went to the assistance of the Ida O. Sawyer and M. Cavanaugh, which had been driven ashore.

August 13.—Got off the tugboat C. P. Morey, aground.

September 15.—Assisted the schooner Clyde with the boats.

September 17.—Assisted schooners Advance, of Oswego, and the Bob Wilson, of Montreal.

October 19.—Assisted the schooners Dutchman, Bermuda, and Ben Franklin.

October 20.—Assisted the schooner J. A. Clark.

October 22.—Towed the abandoned schooner Olivia into Sackett's Harbor.

November 8.—Hauled the schooner Alphena off the rocks at Alexandria Bay.

November 24.—Assisted schooner America in Clairmont Bay.

November 25.—Aided schooner Mary.

The revenue steamers Perry, at Erie, Pennsylvania, and Dix, at Detroit, were not put in commission during the season of 1871, but Captain D. Ottinger, in charge of the Perry, reports assistance rendered the schooner Lake Forest, by his men and others, on the 11th of December last. On the 6th of December the bay was frozen over, and on the 10th the ice was four inches in thickness. Merchant vessels were, however, navigating the lake. The schooner Lake Forest, laden with 21,000 bushels of wheat, was lying at anchor about five miles off the port of Erie, in a crippled condition, with signal of distress flying. On the 11th the men of the Perry, with citizens and seamen from the United States schooner Michigan, cut a passage through the ice for a distance of three-quarters of a mile to open water, and the distressed vessel was brought into harbor.

The commanders of those steamers which were engaged in the transportation of supplies for the relief of sufferers by fire in the lake regions have furnished the following narratives of assistance rendered:

THE JOHNSON.

This steamer was called upon at four different times, during the months of October and November last, to render assistance in carrying supplies to destitute sufferers by fires in Chicago, Western Michigan, and Northern Wisconsin.

On Monday, the 9th day of October, intelligence reached the vessel, then at Racine Harbor, Wisconsin, that the city of Chicago was in flames. Orders were given to have steam ready, and without delay the Johnson steamed out of the harbor, shaping a course southward along the land and running slowly against a strong gale from the south, with heavy sea. Notwithstanding the wind and sea the vicinity of Chicago was reached in seven hours. While at a distance of several miles, five or six at least, to leeward of the conflagration, sparks of fire dropped upon the decks compelling a change of course of the vessel to the eastward to avoid this danger. As soon as out of range the course was changed to the south again, and finally the steamer was anchored about a mile and a half from the light-house to await daylight. It was still blowing a gale, and the sight of the terrible conflagration was sublime.

Before it was quite day, anchor was weighed and the vessel steamed into the river. Floating timbers from the bridges and other structures destroyed by the fire clogged the stream and endangered the navigation. The obstructions caused by the wreck of the bridges compelled the ship to turn aside into the first basin below the light-house, where she was

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moored. Here were met the unfortunate sufferers, who had been driven to this spot while fleeing from the flames on the Sunday evening previous, and had taken shelter in old shanties rudely constructed of dry-goods boxes, &c. These people had not tasted food for over thirty-six hours, and were shivering with cold. They were fed with everything the vessel could afford; officers and men united in their efforts to provide relief, all cheerfully parting with such provisions as they had in their messes, and cooking and distributing them.

During this day and the following the Johnson remained at her moorings, and every possible endeavor was made to render assistance. Great piles of coal were on fire in the vicinity, but the vessel's hose was found to be too short to reach them. One of the Government life-boats was saved and turned over to the inspector of customs.

On the morning of the 12th the vessel left Chicago and steered for Michigan City, thence along shore to the north, passing St. Joseph, Saugatuck, and Holland. The whole country was observed to be on fire along the lake-shore from Michigan City to Grand Haven, which was reached before dark on that day.

Early next day Collector H. C. Ackley, and several influential citizens of Grand Haven, gave information of the destruction of Manistee by fire, stating that the people there were suffering from lack of food and clothing, and requesting aid, as no vessel could be procured to go to their immediate relief. Compliance was given without hesitation, and the ship prepared to receive supplies, the view being taken that the circumstances were extraordinary, and that this action would be in accordance with the wishes of the Department.

At 9.30 o'clock that evening the Johnson left Grand Haven, having on board several car-loads of provisions, clothing, &c., donated by citizens of Grand Rapids to citizens of Manistee. The steamer arrived at Manistee next morning, (October 14,) although the air was so thick with smoke, at times, all the way from port to port, that an object could with difficulty be seen twenty rods off. The arrival of the vessel was unexpected, and was to the distressed people as a mercy from Heaven. Their gratitude was fervent and genuine.

After discharging cargo the steamer proceeded thence along the land to the south, the weather being still thick with smoke, as the whole country was on fire. At 8 o'clock p. m. of the 14th, when within three miles of Grand Haven, the heavy gale from the south increasing to a hurricane, with rain and hail, the vessel was forced away from port and compelled to seek an offing. Next morning she had ten or twelve miles offing, and the wind changed from south to west. Throughout this fearful storm the vessel and machinery worked well, and the ship took in no water except through the hatchways. After the gale moderated, shaped a course for Milwaukee, and arrived at evening. On the 19th October the steamer went in search of the J. B. Winslow, mentioned above.

On the 31st, after repairing boiler and machinery and taking in a cargo of supplies for the sufferers in Door County, Wisconsin, the Johnson sailed at 5 a. m., passing Port Washington without effecting a landing, the sea ran so high, and reached Sheboygan at noon. Left this place November 1, having taken on board a quantity of potatoes, and proceeded, against a strong wind from the northeast, toward the burnt district. At Manitowoc took in more supplies, and ran on northward, passing Twin Rivers, and arrived at the pier of Two Creeks before dark. Here about one-eighth of the cargo was landed and turned over to the local relief committee.

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At daylight of the 2d the vessel cast loose and steamed northward, arriving at Kewaunee, and discharging a large portion of the cargo; thence to Anappee, or Wolf River, delivering some goods there; thence along shore to Horn Pier, where were landed the last of the supplies; returned south to Sheboygan at once.

November 3.—Went in search of the Levant, mentioned above. Returning to Milwaukee, coaled ship and went out again to rescue the Courtwright, on shore near Kewaunee, but failed to save her.

On the 15th the Johnson sailed from Milwaukee with another load of supplies, and, proceeding along shore northward against a northeast gale and snow-storm, reached Sheboygan and took on board more supplies. Left there on the 16th and ran northward, stopping at Manitowoc, and arrived a second time at Two Creeks and discharged cargo there, and also at Kewaunee, Anappee, and Horn Pier. While returning to Sheboygan made a fruitless attempt to save the water-logged schooner Illinois.

Again left on the 19th with supplies from the people of the town of Holland, in Wisconsin, to the people of the town of Holland, in Michigan. On the 22d, meeting with heavy weather on the lake, the starboard guard was found to be working badly, and it being considered unsafe to proceed toward Grand Haven, the steamer returned to Milwaukee and transferred her cargo to Englemen's line of steamers. This ended the labors of the season, as winter had set in. The quantity of supplies carried amounted to 2,153 barrels and other packages.

THE FESSENDEN.

On the 11th day of October last this steamer was lying at Detroit, when information was received by telegraph that the inhabitants of the western shore of Lake Huron were being driven into the lake by the fires raging in that locality. The vessel at once steamed for Port Huron to render any assistance that might be needed. On arrival at the port a quantity of provisions and clothing was taken on board and a course shaped up the lake shore. An open boat containing seventeen persons in a very destitute condition was picked up and the wants of these sufferers attended to. Proceeding on up the lake the smoke became very dense and made navigation dangerous, obscuring the land and points by which the couse of the vessel could be directed. At White Rock the steamer Huron was spoken, which reported all the ports above visited by her, and all sufferers that could be found picked up. Steamed at once for Port Huron, having made a trip of 140 miles.

On the 12th of October a large quantity of supplies was taken in and the vessel started again up the lake. The smoke was still thick, and required a constant use of the lead in sounding to ascertain the position of the vessel, and great watchfulness; but notwithstanding every precaution the steamer struck upon an unseen rock. The force of the blow caused the vessel to rebound, and, as it were, to jump into deep water without further injury than the damage to the rudder and stern-post mentioned under the head of repairs needed. In spite of this difficulty of navigation the steamer reached Port Austin and landed a portion of her cargo; but the density of the smoke so increased that after leaving this port it was found impossible to make any further attempts, consistently with a due regard for the safety of the vessel, to reach other ports upon the bold rocky shore of this locality. Accordingly the ship was put about and ran for Port Huron, which was reached in safety. The number of miles steamed on this trip was 237.

Upon arrival, a telegram was received from the Secretary of the

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Treasury, directing the vessel to report to the collector of the customs at Port Huron for duty, in aiding sufferers by fire along the lake-shore.

On the 15th of October another large quantity of supplies was shipped, and a third time the steamer started along the lake-shore, reaching White Rock and Rock Falls, and distributing supplies. At night, while steering for Port Hope, a thick fog closed in, and compelled the vessel to be brought to anchor. Fog continuing the next morning, the position of the vessel was ascertained by sending out a boat; and by this means the direction of Port Hope was ascertained, and the remainder of the stores landed there. Thence the Fessenden went to New River, to ascertain the condition of the people there, concerning whom considerable anxiety was felt. Then returned to Port Huron, having steamed 18[illegible] miles.

Again took a load of stores, and left for the lake-shore on the 21st of October. The smoke was still thick, and increased so much as soon to make it dangerous to run the vessel, consequently she was brought to anchor off Point aux Barques. The smoke lifting in the afternoon, anchor was weighed, and the course directed to Huron City, where, the pier being found entirely burned up, a landing could not be effected, and supplies were carried to other harbors, at New River, Port Hope, Rock Falls, White Rock, and Richmondville. Then returned to Port Huron.

The fifth time supplies were taken in, and in spite of the smoke, which still made navigation obscure, the steamer made a safe voyage, landing her cargo at Port Hope, Rock Falls, White Rock, and Richmondville. A trip of 165 miles.

On the 7th of November, in compliance with the request of Governor Baldwin and the relief committee, the Fessenden took in tow the scows Storm, Evergreen, and Curlew, all deeply laden with stores for the destitute sufferers, and took them from Detroit to Port Huron.

On the 18th took the schooners E. G. Purrington and H. T. Merry, loaded with hay and lumber, from Detroit to Lake Huron.

The whole distance steamed in performance of these services was 1,246 miles.

THE SHERMAN.

On the 16th of October, information being received on board the Sherman that there was much suffering among the people along the shores of Lake Huron, the vessel got under way, and steamed up to Detroit.

On the 17th, Collector Jerome, of that port, and two members of the relief committee came on board, and requested that the Sherman proceed to Port Huron, and take on board food and supplies for the sufferers, many of whom were actually starving. In compliance with their request, the steamer proceeded to Port Huron the afternoon of the same day, and commenced receiving the stores collected, the crew working until late at night. At 10 p. m. Hon. O. M. Conger, member of Congress, Collector Jerome, and several members of the relief committee, came on board for the trip. At midnight, having taken on board all the supplies the vessel could conveniently carry, about 700 barrels in bulk, she got under way, and proceeded up the lake for Port Austin, where the stores were greatly needed. When off Point aux Barques a heavy gale from the northwest struck the vessel, and the sea running high, it was found impracticable to land at Port Austin. The ship was then-

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fore steamed for White Rock, where the anchor was cast as near the shore as the safety of the vessel would permit, and there was landed, at great risk, a considerable quantity of the cargo by means of boats. The people represented themselves as being in a very destitute condition.

The steamer next proceeded to Rock Falls, where the same want and suffering existed, and landed such supplies and food as sufficed for immediate requirements.

The gale and sea having sufficiently abated to make a landing practicable at Port Austin, the vessel returned to that place and landed the remainder of her cargo; thence returned to Port Huron, arriving on the 19th October, having steamed 819 miles. Immediately after, the Sherman returned to Cleveland, and resumed the usual duties on the 24th.

On the 26th of the same month, by direction of Collector Watmough, of Cleveland, another cargo of supplies and provisions was shipped, about 800 barrels in bulk, being as much as could be carried in the then condition of the vessel, and at daylight of the 27th the steamer got under way. Two members of the relief committee accompanied the steamer on this trip.

A gale from the northwest, with a heavy sea, was met upon Lake Erie, and on account of the severity of the weather the vessel delayed over night at Detroit. At daylight of the 28th, steamed to Port Huron and discharged a portion of the stores, to be forwarded by land, they being destined for a settlement at some distance from the lake-shore.

The weather improving, the Sherman started at midnight of the 29th and steamed up Lake Huron, reaching Port Hope at daylight, and landing food and clothing; thence proceeded to Rock Falls and left supplies; thence to White Rock, and with difficulty got a quantity of the cargo ashore, the sea running high at the time. Learning at this place that the people in and around Richmondville were in great need, proceeded to that place and landed the remainder of the supplies; thence returned to Detroit, where it was discovered that the rudder of the steamer was split and had received other damage during the cruise. On the 30th returned to Cleveland, having steamed 556 miles on this voyage.

Recapitulation.

	Johnson.	Fessenden.	Sherman.	Chase.
Number of vessels examined	155	264	3,905	277
Number of vessels reported for violation of law	21	3	87	1
Number of vessels assisted in distress, &c	9	11	3	14
Number of miles cruised	6,785	5,231	5,002	3,675
Number of miles boat duty	.....	.....	1,309	.....
Value of property saved	(*)	(*)	†$27,000	(*)
Boxes, barrels, &c., transported to aid sufferers by fire	2,153	1,500	1,500	.....
Number of lives saved	7	.....	.....	.....

*No estimate. †About.

The following extracts from the report of Captain J. W. White, who was recently detailed by the Department to inspect the vessels upon the lakes, show the "present condition and efficiency of each of such vessels," and "what repairs are considered necessary for the efficiency of the service for the coming season:"

"On March 16 inspected the revenue-steamer Johnson, at Milwaukee, Wisconsin. I was unable to bore the vessel outside, as the ice was broken, and unsafe to walk on. The carpenter, who has been in the vessel several years, told me her frame was very good. I found many

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of the beams rotten, the decks decayed in places and leaking badly; water-ways and lining of bulwarks decayed in spots; the seams outside looked to be very good; the fender on the starboard guard is split and a portion of it gone; both guards need some repairs. There were found last month several inches of water in the magazine, and now from fifteen to twenty gallons are bailed out every day. The carpenter told me it was a steady leak, and, the vessel being trimmed by the stern, the water all settled in and abaft the magazine. The spars, standing-rigging, sails, and boats are in good condition. The fireman informed me that the boiler required calking, but to what extent he could not say.

"To repair the guards, calk the decks and a few butts outside, and paint the vessel where necessary, would cost about $450, this being about all that seemed to me necessary to fit the vessel for another summer, save what may be required in the engine department.

"On the 15th March inspected the Fessenden, at Detroit, Michigan. I was not able to bore the vessel on the starboard side on account of the drift-ice; but on the port side bored and examined thoroughly. Found the planking and wales good, save one butt in the latter, but three frames out of five almost entirely gone; the guard-beams at the side of the vessel are rotten; the rudder-stock has been badly sprung by backing the vessel against something solid, and seems to be unsafe; the seams outside and in decks are very good, save the berth-deck, which requires calking; the sheathing and ceiling under air-ports in cabin are badly decayed; the spars, standing-rigging, sails, and awnings are good; one of the boats in good order, the others require some repairs—perhaps $50 would put them all in good order.

"The engineer was not on board, and I could get but little information respecting the machinery, yet it seemed to be well cared for and everything in place.

"The captain told me the boiler required some patching; but to what extent I am not able to say.

"To secure the guard-beams with heavy knees on the outside and bolted through the hull, make and hang a new rudder, calk the berth-deck, do some little patching on outside, repair the boats, galley, and paint the vessel where required, will probably cost $500; I think the vessel would do very well for two years' service. This does not include the boiler.

"On the 15th March inspected the Dix, at Detroit, Michigan. Bored the vessel, on both sides, from the guards forward; could not bore her aft on account of the ice being broken, but the planking and seams looked good; found the planking and wales on the port side sound, but some of the frames decayed.

"The starboard side, from wheel-house to stem, is very bad; the wales, planking, and many of the frames are badly decayed; the decks leak in many places, and need calking; the canvas on the upper decks is entirely worn out; the awnings are gone, and the galley-stove is in bad condition; the spars, standing-rigging, sails, arms, and the three boats are in good condition.

"The engineer in charge reported the engine, boiler, and attachments in good repair. Everything about the engineer's department seemed to be in place and generally clean.

"To repair the vessel on starboard side, from wheel-house forward, calk the decks, put new canvas on upper decks, new awnings, galley stove and dingey, do a little patching where necessary, and paint the vessel throughout, clean and paint her bottom, including the dockage, would cost, perhaps, $2,500. She should then be good for several years.

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"On the 14th March inspected the Sherman, at Cleveland, Ohio. Bored the vessel in various places on both sides; found the wales, planking, and frames very rotten in many places from the plank-sheer down to water-line; the decks are also decayed in spots, especially under the capstan and around the hatches; the ceiling appears to be very good, except in the cabin, where the water has run down from the air-ports—there both the sheathing and ceiling are completely gone; the rudder-stock is badly cracked, apparently is weak and unsafe; the foremast, in the partners and at the berth-deck, is decayed. All other spars, standing-rigging, sails, and boats are in good condition.

"The A-brace in starboard wheel-house is badly decayed. The decks fore and aft have settled a little, especially forward of the foremast it is very perceptible, yet the vessel's lines outside are good, and it would seem that the decks have not been kept properly shored up.

"The engine, boiler, and attachments are in good repair. A mercury-gauge and half set of grate-bars are all the engineer asked for.

"The vessel can be cruised another summer by making the following repairs: A new rudder, A-brace in starboard wheel-house, half set of grate-bars, one mercury-gauge, (though she has never had one,) galley repaired, decks and frame under capstan repaired, foremast fished or the masts taken out, patched some outside, calk where necessary, and painted one coat; all of which should not exceed $700. This, however, would only be temporary, for, to thoroughly repair the vessel, would cost as much as a new hull.

"On the 13th March inspected the Perry, at Erie, Pennsylvania. Bored the vessel in various places, examined every part where practicable, and found her apparently sound throughout. All the seams are good; no calking or carpenter's work required. Spars, standing-rigging, sails, awnings, boats, and arms are in good order. The engines, boilers, and attachments in good repair.

"About $375 for paints, new felting on steam-pipes, boat-falls, and a little iron-work, are all that are required to put her in cruising order.

"On the 8th March inspected the Chase, at Ogdensburgh, New York. Bored the vessel in many places, on each side, from near the water-line up to water-ways. Found the planking and wales sound, but most of the frames decayed, some entirely gone. The water-ways, beams, and decks, including the light work, so far as I could examine, are sound. The seams in ward-room floor, berth-deck, main deck, and outside, from decks to water-line, are more or less open; about six, in and below the wales on each side, from guards to stem, are at least one inch wide. The mainmast, found rotten in the partners, was properly fished last year, and will stand a long time. All the other spars and standing-rigging are good; sails and awnings all in good repair, save the main-deck awning, which is well worn. All the boats are in very good order, except one, which requires some little repairs. The canvas covering on upper deck, engine-room, and pilot-house is well worn, yet, with a little patching and two coats of paint, it will last another year.

"The engine, boiler, and attachments are in good repair, save the inboard end of starboard shaft needs lining up. Some small pipes repaired and a few new cocks, as shown me by the engineer, all seem necessary. The oil-cloth on engine-room floor is worn out.

"The vessel's lines have altered to some extent; both ends droop a little, showing the vessel to be weak, or that she has at some time been grounded amidships, and allowed to remain in that position for some length of time. Captain Treadway informed me that a portion of the stem under water was gone, and that some of the seams below the water-line are

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open, as she leaked badly last summer. From what I could see, the vessel will require calking from the water-line up, including the main-deck, berth-deck, and ward-room floor, painting throughout, except the cabin, a little patching to canvas on upper decks, boat repaired, and the few repairs and articles, (including oil-cloth,) as asked for by the engineer, to fit her for another summer.

"I am unable to give any correct estimate of the cost, as it will depend entirely upon how the work is done. Yet, if the painting is done by the crew, and only such places calked as are found absolutely necessary, it should not exceed $2,000, including dockage and repairs on stem.

"I would respectfully state that, in my opinion, neither the Chase, Sherman, Fessenden, Dix, nor Johnson, is worth being thoroughly repaired. They seem to have been built mostly of green timber, and were not salted. The repairs I have suggested can only be considered temporary, as many parts, where I could not reach, are doubtless decayed, and they will in a few years be beyond repairing at all.

"Judging from their steam-logs, they will all burn about the same quantity of coal per day, say eighteen tons when pushed, but will make about eight miles per hour on from seven to eight hundred pounds of coal. The Perry, however, claims to make the same distance on less fuel."

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC No. 255.

CHILDREN OF JOHN M. BAKER.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

To the House the bill (H. R. 2041) for the relief of the children of John M. Baker, with his objections thereto.

APRIL 12, 1872.—Referred to the Committee of Claims and ordered to be printed.

To the House of Representatives:

I have received and have taken into consideration the bill entitled "An act for the relief of the children of John M. Baker," and, pursuant to the duty required of me by the Constitution, I return the same, with my objections, to the House of Representatives, in which it originated.

The bill proposes to pay a sum of money to the children of John M. Baker, deceased, late United States consul at Rio de Janeiro, for services of that person as acting *chargé d'affaires* of the United States in the year 1834. So far as it can be ascertained, it is apprehended that the bill may have received the sanction of Congress through some inadvertence, for upon inquiry at the proper Department, it appears that Mr. Baker never did act as *chargé d'affaires* of the United States at Rio de Janeiro, and that he was not authorized so to act, but, on the contrary, was expressly forbidden to enter into diplomatic correspondence with the government of Brazil.

The letter of the 8th of February, 1854, a copy of which is annexed, addressed by William L. Marcy, then Secretary of State, to James M. Mason, chairman of the Committee on Foreign Relations of the Senate, specifies objections to the claim which, it is believed, have not since diminished, and in which I fully concur.

U. S. GRANT.

WASHINGTON, *April* 10, 1872.

DEPARTMENT OF STATE,
Washington, February 8, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, together with the inclosed memorial of the widow and children of John M. Baker, praying compensation for the diplomatic services

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of said Baker as *chargé d'affaires* near the government of Brazil, during a portion of the years 1834 and 1835.

In compliance with your request to be furnished with such information as may be in the possession of this Department bearing upon the case, I have to state that, in the instruction of the 19th December, 1833, to Mr. Brown, permitting his return to the United States, and directing him to place the property of the legation in the care of Mr. Baker, then United States consul at Rio de Janeiro, the following sentence occurs: "But you will tell him that, by being made their depository until the arrival of your successor, he must not consider himself authorized to enter into diplomatic correspondence with the government of Brazil, or expect compensation as a diplomatic agent." This instruction was communicated literally to Mr. Baker by Mr. Brown, on the eve of his departure from Rio de Janeiro, 8th April, 1834. It appears from an examination of the records of the Department that no correspondence of a diplomatic character ever passed between it and Mr. Baker, or between him and the Brazilian government during the interval between the departure of Mr. Brown and the arrival of Mr. Hunter, his successor.

Subjoined is a copy of the last account of the Department with the representatives of Mr. Baker, which will show that full compensation was made for all the expenses incurred in the care, &c., of the property of the legation.

The memorial inclosed in your letter is herewith returned.

I have, &c.,

W. L. MARCY.

Hon. JAMES M. MASON,
Chairman of the Committee on Foreign Relations, Senate.

Extract of an entry in the day-book, May 31, 1838, page 275.

To J. Martin Baker, (p. c. J. Nourse his assignee,) late consul at Rio de Janeiro.

For rent of two rooms for the safe deposit of the books, archives, and furniture of the legation at Brazil, from their reception from Mr. Brown to their delivery to Mr. Hunter	R[illegible]
Expenses paid on removing the archives from Mr. Brown's	[illegible]
Expenses paid on removing archives to Mr. Hunter's	16.[illegible]
	363.7[illegible]
At Reis, 1,370 p. dollar	825 54

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 256.

CRIMINAL CASES IN DISTRICT COURTS OF UTAH.

LETTER

FROM

THE ATTORNEY GENERAL,

IN ANSWER TO

A resolution of the House of February 21, 1872, relative to criminal cases pending in district courts of Utah Territory.

APRIL 12, 1872.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, April 10, 1872.

SIR: I have the honor to acknowledge the receipt of the following resolution of the House of Representatives, bearing date the 21st of February last:

Resolved, That the Attorney General is hereby required to transmit to this House a statement of all criminal cases now pending, or brought within the last year, in the district courts of Utah Territory, for crimes cognizable under the authority of the United States laws, and also civil actions in which the United States are concerned, and the costs and expenses thereof.

Second, all other criminal cases in the Territory of Utah, now pending in said courts; for what crimes and offenses, and against what laws; by what attorney instituted; in what manner the grand and petit jurors in said district courts have been selected, drawn, and summoned during the last year; by what officer said grand and petit jurors have been drawn, and said criminals arrested; under what law of Congress or territorial statute said jurors have been drawn, and by what appropriations under the laws and usages of the Government the expenses of these last criminal cases must be paid.

In accordance with said resolution I have the honor to submit the following:

According to the report of the United States marshal, marked Exhibit A, there are now pending in that Territory the following cases:

Stealing quartermaster stores, 2; resisting marshal and secreting a convict, 1; passing counterfeit money, 2; receiving stolen goods of United States, 3; robbing mail, 1; highway robbery, 1; defaulter, 1; murder, first degree, 15; murder, second degree, 1; accessory to murder, 1; stealing, 17; rape, 2; embezzlement, 2; assault with intent to maim, 2; assault with intent to kill, 8; challenge to fight a duel, 1; assault and battery, 1; adultery, 1; arson, 1; lewdness, 5; robbery, 1; crime against nature, 1; forgery, 1; burglary, 2; perjury, 2; forcible entry and detainer, 3; mustering militia contrary to the governor's proclamation, 1.

From said report it appears that the marshal summoned the grand

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and petit jurors under the decision of the supreme court of the Territory, the criminals were arrested by the marshal and his deputies, and the suits were brought by the United States attorney.

In the report of the United States attorney for Utah, he says that from the records of the territorial court for the third judicial district, held at Salt Lake, there were no criminal cases within 1871 and now pending under United States statutes.

One civil action during 1871, in which United States is a party; costs and expenses thereof, $250. Thirty-three other criminal cases in the Territory now pending in said courts; their crimes and offenses being: murder, 15; manslaughter, 1; libels, 2; assault and battery with intent to murder, 1; lewd cohabitation, 10; adultery, 1; riot, 1; larceny from person, 1; assault with intent to maim, 1.

This report is marked Exhibit B, and is submitted in the absence of the report of the clerk of the third judicial district court, which has not yet been received at the Department.

It appears from the attorney's report that these crimes and offenses were against territorial law, and prosecutions were instituted by R. N. Baskin, acting as United States attorney. The grand and petit jurors who found the indictments were drawn and summoned by the marshal under the United States statutes, and the criminals arrested by the marshal and his deputies.

By the report of the clerk of the first judicial district herewith, marked Exhibit C, it appears that the following criminal cases are now pending in the court for that district; that the indictments in each case were found by the grand jury summoned from the body of the district by the United States marshal: robbing United States mail, 1; larceny, 1; purchasing soldiers' arms, 1; highway robbery, 1; murder, first degree, 3; murder, second degree, 1; accessory before the fact of murder, 1; receiving stolen goods, 1. This report is marked Exhibit C.

In this district it appears there were no civil actions during 1871 to which the United States was a party.

From the report of the clerk of the second judicial district, marked Exhibit D, it appears that the jurors were summoned in the same manner as in the other districts, and that under the territorial statutes indictments were found as follows: assault with intent to kill, 1; abduction, 1; adultery, 1; perjury under United States laws, 3.

There were no civil actions in 1871 to which the United States was a party in this district.

By the act of June 14, 1858, (11 Statutes, 306,) the expenses of the courts in the Territories, while engaged in hearing and determining all matters and causes, except those in which the United States is a party, are chargeable to and payable by the Territory, and this act expressly provides that such expenses shall in no case be chargeable to the United States. The rulings of the accounting officers of the Treasury have invariably conformed to this act, and in no case of which I am informed have the expenses of the territorial courts, while engaged in transacting business pertaining to the Territory, been charged to the General Government.

Under a recent decision by the judges of the Territory a conflict has arisen between the territorial officials and the Federal judicial officers of Utah, as to the payment of the expenses of the courts. It is claimed by the territorial officials that, as the jurors and witnesses are summoned by the United States marshal, and the causes are prosecuted by the United States attorney, under the laws of the United States, therefore the expenses should be borne by the Government. But it is claimed

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by the Federal officers that it is the duty of the marshal to arrest persons charged with all offenses in the Territory, to summon witnesses and jurors, and for the district attorney to prefer bills of indictment, and prosecute all parties indicted for offenses in the Territory; and that the Territory should provide the means for defraying so much of the expenses of the courts as may be incurred for the prosecution of offenses committed under its laws.

The subject has caused considerable inconvenience and delay in the administration of justice in Utah, and I would respectfully suggest that Congress, at an early day, take such action as will correct the anomalous state of affairs, and direct how the expenses of the courts shall be defrayed, and define the duties of the Federal judicial officers in that Territory.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney General.

Hon. J. G. BLAINE,
Speaker House of Representatives.

EXHIBIT A.

OFFICE OF THE UNITED STATES MARSHAL,
Salt Lake City, Utah, March 16, 1872.

SIR: Agreeable to yours of February 24, inclosing copy of resolution in House of Representatives, I have the honor to forward herewith lists of both United States cases and territorial criminal cases brought within the last year and now pending in the district courts of this Territory, and the crimes and offenses charged, &c., as fully as the records and files in this office will admit.

The grand and petit jurors were summoned by the United States marshal under and by virtue of the decision of the supreme court of this Territory, (a copy of which find herewith,) and the criminals have been arrested by the United States marshal and his deputies, the suits having been brought by the United States district attorney.

I have the honor to be, very respectfully, your obedient servant,

M. T. PATRICK,
United States Marshal.

Hon. GEORGE H. WILLIAMS,
Attorney General, Washington, D. C.

Criminal cases now pending in the district court of Utah Territory for crimes cognizable under the laws of the United States.

The United States *vs.* William Gorringe. Charged with stealing United States goods from the quartermaster's warehouse. Expenses of arresting, guarding, and preliminary examination, $22 50. Released on bonds.

The United States *vs.* Albert P. Rockwood and John D. T. McAllister. Charged with resisting the United States marshal, and secreting a penitentiary convict from the custody of said marshal. Expenses of arresting and preliminary examination, $14 80. Released on bonds.

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The United States *vs.* Thomas Butterwood. Charged with knowingly uttering and passing counterfeit United States currency. Expense of arresting and preliminary examination, $1 50.

The United States *vs.* Thomas Bircumshaw. Charged with receiving stolen goods, the property of the United States. Released on his recognizance.

The United States *vs.* William Butler. Charged with passing counterfeit United States currency. Expenses and cost of arrest, trial, subpœnaing witnesses, preliminary examination, &c., $62 10. Released on bonds.

The United States *vs.* William H. McKay, Joseph H. Heath, and Edward St. Ledger. Charged with robbing United States mail. McKay convicted and sent to Detroit house of correction. Expenses returned with expenses of first district court. St. Ledger out on his own recognizance of $5,000. Heath escaped from Camp Douglas before trial, and been recaptured recently.

The United *vs.* Joseph Brown and Jacob Harris. Charged with stealing Government supplies. Expenses of arresting, examination, &c., $41 95. Released on bonds.

The United States *vs.* Josiah Hosmar. Charged with being a defaulter.

Territorial cases, criminal, pending in the district courts of Utah, or brought within the last year.

The People of the United States in the Territory of Utah *vs.* James Harrington. Charged with murder.

The People of the United States in the Territory of Utah *vs.* John Sullivan. Charged with stealing a revolver.

The People of the United States in the Territory of Utah *vs.* Richard Burk.

The People of the United States in the Territory of Utah *vs.* George Sanford.

The People of the United States in the Territory of Utah *vs.* Thomas Lytle.

The People of the United States in the Territory of Utah *vs.* George Graham. Charged with rape.

The People of the United States in the Territory of Utah *vs.* John Bird. Charged with rape.

The People of the United States in the Territory of Utah *vs.* B. H. Bergman. Charged with stealing a buggy, horse, and harness.

The People of the United States in the Territory of Utah *vs.* Juan Francisco. Stealing and butchering a beef steer.

The People of the United States in the Territory of Utah *vs.* J. D. Keller. Charged with murder.

The People of the United States in the Territory of Utah *vs.* John T. Beegan. Stealing $50, cash.

The People of the United States in the Territory of Utah *vs.* Charles S. Hammar. Embezzlement.

The People of the United States in the Terrritory of Utah *vs.* William Hyde. Assault with intent to inflict bodily injury.

The People of the United States in the Territory of Utah *vs.* John Smith. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* Benjamin C. Moore. Challenging to fight a duel.

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The People of the United States in the Territory of Utah *vs.* Samuel Hardy. Horse-stealing.

The People of the United States in the Territory of Utah *vs.* John Sheehan.

The People of the United States in the Territory of Utah *vs.* John Holeman. Assault with intent to commit bodily injury.

The People of the United States in the Territory of Utah *vs.* William Killingly. Assault and battery.

The People of the United States in the Territory of Utah *vs.* John White. Horse-stealing.

The People of the United States in the Territory of Utah *vs.* Thomas Bircumshaw. See United States cases.

The People of the United States in the Territory of Utah *vs.* J. G. Jeffers.

The People of the United States in the Territory of Utah *vs.* Thomas Hawkins. Adultery.

The People of the United States in the Territory of Utah *vs.* Mumford. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* John Boulder. Stealing gold watch and chain.

The People of the United States in the Territory of Utah *vs.* Thomas Oppley. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* William Hickman, John Flack, and Lewis Mecham. Murder.

The People of the United States in the Territory of Utah *vs.* Daniel McMasters. Stealing a wagon.

The People of the United States in the Territory of Utah *vs.* John Allen. Murder.

The People of the United States in the Territory of Utah *vs.* Morris Haskins. Horse-stealing.

The People of the United States in the Territory of Utah *vs.* Ah Quan and his wife. Arson.

The People of the United States in the Territory of Utah *vs.* James Wales. Murder.

The People of the United States in the Territory of Utah *vs.* O. E. Bates. Lewdness.

The People of the United States in the Territory of Utah *vs.* Brigham Young, sr. Lewd cohabitation.

The People of the United States in the Territory of Utah *vs.* Daniel H. Wells. Lewd cohabitation.

The People of the United States in the Territory of Utah *vs.* George Q. Cannon. Lewd cohabitation.

The People of the United States in the Territory of Utah *vs.* Henry W. Lawrence. Lewd cohabitation.

The People of the United States in the Territory of Utah *vs.* Clovis Baker. Stealing watch and $137 money.

The People of the United States in the Territory of Utah *vs.* Ryan. Stealing gold watch, chain, and charms.

The People of the United States in the Territory of Utah *vs.* Robinson. Horse-stealing.

The People of the United States in the Territory of Utah *vs.* Springer.

The People of the United States in the Territory of Utah *vs.* Olsen.

The People of the United States in the Territory of Utah *vs.* Sanchez.

The People of the United States in the Territory of Utah *vs.* Jerry Crowley. Robbery.

The People of the United States in the Territory of Utah *vs.* Cook.

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The People of the United States in the Territory of Utah *vs.* McCarty.

The People of the United States in the Territory of Utah *vs.* White.

The People of the United States in the Territory of Utah *vs.* J. Jones. Murder.

The People of the United States in the Territory of Utah *vs.* Daniel H. Wells. Murder.

The People of the United States in the Territory of Utah *vs.* William Kimball. Murder.

The People of the United States in the Territory of Utah *vs.* Hosea Stout. Murder.

The People of the United States in the Territory of Utah *vs.* Nicholas Castro. Crime against nature.

The People of the United States in the Territory of Utah *vs.* Mellen. Murder.

The People of the United States in the Territory of Utah *vs.* E. H. Field. Embezzlement.

The people of the United States in the Territory of Utah *vs.* John T. Beegan. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* John T. Beegan. Forgery.

The People of the United States in the Territory of Utah *vs.* John T. Beegan. Murder.

The People of the United States in the Territory of Utah *vs.* Charles Burgar. Stealing six pairs boots.

The People of the United States in the Territory of Utah *vs.* Ole Rasmussen. Stealing and killing a beef steer.

The People of the United States in the Territory of Utah *vs.* John Watkins and Thomas Hays. Stealing $100.

The People of the United States in the Territory of Utah *vs.* John Bradt. Stealing $32.

The People of the United States in the Territory of Utah *vs.* A. C. Bernard. Receiving stolen goods knowingly.

The People of the United States in the Territory of Utah *vs.* Charles Marion. Burglary.

The People of the United States in the Territory of Utah *vs.* William Horton. Burglary.

The People of the United States in the Territory of Utah *vs.* John Thomas. Stealing horse.

The People of the United States in the Territory of Utah *vs.* William Armstrong, James McLenary, and George Hall. Taking possession of mining property by force of arms.

The People of the United States in the Territory of Utah *vs.* Charles W. Baker. Perjury.

The People of the United States in the Territory of Utah *vs.* Brigham Young, sr. Murder.

The People of the United States in the Territory of Utah *vs.* Andrew Stevens. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* Mrs. Gunn. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* James Tonis, Alexander Burt, John L. Blythe, John Brasher, Morris, and Brigham Y. Hampton. Murder.

The People of the United States in the Territory of Utah *vs.* Charles Ringwood and William Hyde. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* George

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Berry, William Aston, and Patrick Sword. Taking possession of mining property by force of arms.

The People of the United States in the Territory of Utah *vs.* Henry Gardner, William Ballard, and Andrew H. Patterson. Taking possession of mining property by force of arms.

The People of the United States in the Territory of Utah *vs.* Thomas Mack.

The People of the United States in the Territory of Utah *vs.* John Hitchings.

The People of the United States in the Territory of Utah *vs.* Frank Sadlier. Assault with intent to kill.

The People of the United States in the Territory of Utah *vs.* Stewart.

The People of the United States in the Territory of Utah *vs.* William H. McKay, Joseph H. Heath, and Edward St. Ledger. Highway robbery.

The People of the United States in the Territory of Utah *vs.* John Baum and Henry L. Davis. Murder.

The People of the United States in the Territory of Utah *vs.* Martin Davis. Accessory in case of murder.

The People of the United States in the Territory of Utah *vs.* Edward Watts. Murder in second degree.

The People of the United States in the Territory of Utah *vs.* William Bird, Aaron Johnson, A. F. McDonald. Murder.

The People of the United States in the Territory of Utah *vs.* Joseph Boren, Jacob Harris. Receiving stolen goods.

The People of the United States in the Territory of Utah *vs.* George M. Ottinger, Andrew Burt, William G. Phillips, Charles Livingston, Charles Savage, James Finnimore, John C. Graham, Archibald Livingston. Mustering and drilling militia contrary to proclamation of the governor.

EXHIBIT B.

WASHINGTON, D. C., *February* 23, 1872.

SIR: In reply to your note of this date inclosing a copy of House resolution of February 21, 1872, herewith returned, and asking of me information to enable you to answer said resolution, I have the honor to report:

First. That, from the record of the territorial courts of Utah, in the third judicial district, at Salt Lake, when sitting as a circuit and district court of the United States, but one single suit or civil action in which the United States are concerned has been commenced during the last year, namely: The United States *vs.* ———, and that no process was served in that case, the defendant having absconded; and that no criminal proceedings have been instituted in said courts during the last year "for crimes or offenses cognizable under the authority of the United States laws, or in which the United States are complainants or defendants;" and that the entire cost and fees in that Territory for civil or criminal cases in which the United States are interested or parties cannot exceed $250.

Second. As to all other criminal cases in the territorial court of Utah for the third judicial district, sitting at Salt Lake, I herewith inclose a calendar, prepared by the clerk of said court, of thirty-one criminal cases now pending therein; for what crimes and offenses, and

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that said crimes are solely against the territorial statutes of Utah; and that these criminal cases, although for offenses and crimes against the territorial statutes, and not against the laws of the United States, were mostly instituted by R. N. Baskin, esq., appointed United States district attorney *ad interim* by the court without the nomination by the President or confirmation by the Senate. I further report that the grand jury by whom these indictments were found was drawn and summoned in September, 1871, by United States Marshal Patrick under the statutes of the United States, and not under the territorial statutes of Utah; and that the petit jurors in said court have also been drawn in the same manner by the United States marshal under United States laws, not under the territorial statutes. And I do further report that a large number of the defendants named in these indictments have been arrested and are now held in confinement under the indictments specified in said calendar, by United States Marshal Patrick, in Camp Douglas and other places in Salt Lake, bail having been denied them.

As to question "By what appropriation, under the laws and usages of the Government, the expenses of these last criminal cases must be paid," I respectfully refer to the Comptroller of the United States.

Yours, very respectfully,

GEO. C. BATES,
United States District Attorney, Utah Territory.

Hon. GEO. H. WILLIAMS,
Attorney General United States.



List of cases pending in the territorial court for the third judicial district of Utah.

October 14, 1870.—The People of the United States in the Territory of Utah *vs.* Nathan Springer; Charles H. Hempstead, United States district attorney. Manslaughter. Baskin for defendant.

October 12, 1870.—The People of the United States in the Territory of Utah *vs.* William H. Hickman. Murder. R. N. Baskin, United States attorney, appointed by the court.

October 7, 1870.—The People of the United States in the Territory of Utah *vs.* E. L. Sloan, John T. Caine, William C. Dunbar. Libel on Judge Hawley; Miner & Stout for defendants; continued to March 7, 1872. R. N. Baskin, United States attorney, appointed by the court.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* James Harrington. Murder, first degree. A. Huggan for defendant. R. N. Baskin, United States attorney, appointed by the court.

September 27, 1871.—The People of the United States in the Territory of Utah *vs.* Brigham Young, sr., Daniel H. Wells, Hosea Stout, William A. Hickman, Joseph A. Young. Murder, first degree. Richard Tates. R. N. Baskin, United States attorney, appointed by the court.

November 28, 1871.—The People of the United States in the Territory of Utah *vs.* Brigham Young, sr., William A. Hickman, Morris Meacham, Simon Dalton, George D. Grant, O. Porter Rockwell, William Kimball, ——— Buck. Murder, first degree. R. N. Baskin, United States attorney, appointed by the court. Fitch & Mann, Hempstead & Kirkpatrick, Snow & Hoge, A. Miner, Le Grand Young, for defendants.

September 27, 1871.—The People of the United States in the Territory of Utah *vs.* Brigham Young, sr., Orson Hyde, Hosea Stout, William A.

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Hickman, William Hartley. Murder, first degree. R. N. Baskin, United States attorney, appointed by the court.

September 29, 1871.—The People of the United States in the Territory of Utah *vs.* John Spiker. R. N. Baskin, United States attorney, appointed by the court. Assault and battery with intent to kill.

September 29, 1871.—The People of the United States in the Territory of Utah *vs.* Hiram A. Clawson. R. N. Baskin, United States attorney, appointed by the court. Lewd and lascivious cohabitation.

September 29, 1871.—The People of the United States in the Territory of Utah *vs.* Daniel H. Wells. R. N. Baskin, United States attorney, appointed by the court. Lewd and lascivious cohabitation.

September 29, 1871.—The People of the United States in the Territory of Utah *vs.* Brigham Young, sr. R. N. Baskin, United States attorney, appointed by the court. Lewd and lascivious cohabitation.

October 2, 1871.—The People of the United States in the Territory of Utah *vs.* Henry W. Lawrence. R. N. Baskin, United States attorney, appointed by the court. Lewd and lascivious cohabitation.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* Ormus E. Bates. R. N. Baskin, United States attorney, appointed by the court. Lewd and lascivious cohabitation.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* George Q. Cannon. R. N. Baskin, United States attorney, appointed by the court. Lewd and lascivious cohabitation.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* John Allen. R. N. Baskin, United States attorney, appointed by the court. Murder, first degree. Hempstead & K. for defendant.

November 22, 1871.—The People of the United States in the Territory of Utah *vs.* Philip Jones, David Jones, Benjamin Wright. R. N. Baskin, United States attorney, appointed by the court. Murder, first degree. A. Miner for defendants.

September 27, 1871.—The People of the United States in the Territory of Utah *vs.* Cub Johnson. R. N. Baskin, United States attorney, appointed by the court. Murder, first degree.

September 29, 1871.—The People of the United States in the Territory of Utah *vs.* James Townsend. R. N. Baskin, United States attorney, appointed by the court. Lewd cohabitation.

September 29, 1871.—The People of the United States in the Territory of Utah *vs.* Albert Oldfield. R. N. Baskin, United States attorney, appointed by the court. Adultery.

October 2, 1871.—The People of the United States in the Territory of Utah *vs.* James Wales. R. N. Baskin, United States attorney, appointed by the court. Murder, first degree.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* Lewis Sullivan, Nicholas Lawless. R. N. Baskin, United States attorney, appointed by the court. Riot.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* Brigham Young, William A. Hickman, Sterritt, Frank McNiel. Murder, first degree. R. N. Baskin, United States attorney, appointed by the court.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* Brigham Young, sr., William H. Hickman, Matthews, Drowns. Murder, first degree. R. N. Baskin, United States attorney, appointed by the court.

October 6, 1871.—The People of the United States in the Territory of Utah *vs.* Samuel George Read. Lewd cohabitation. R. N. Baskin, appointed by the court.

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October 6, 1871.—The People of the United States in the Territory of Utah *vs.* William S. Godbe. Lewd cohabitation. R. N. Baskin, appointed United States attorney by the court.

November 22, 1871.—The People of the United States in the Territory of Utah *vs.* Charles H. Bassett. Lewd cohabitation. R. N. Baskin, appointed United States attorney by the court.

November 22, 1871.—The People of the United States in the Territory of Utah *vs.* Steven Morrison, James Lewis. Larceny from the person. R. N. Baskin, United States attorney, appointed by the court.

November 22, 1871.—The People of the United States in the Territory of Utah *vs.* Andrew Stevens. Assault with intent to maim. R. N. Baskin, United States attorney, appointed by the court.

October 17, 1870.—The People of the United States in the Territory of Utah *vs.* Evon Bates. Murder. R. N. Baskin, United States attorney, appointed by the court.

October 10, 1870.—The People of the United States in the Territory of Utah *vs.* Robert T. Burton. Two cases of murder. R. N. Baskin, appointed United States attorney by the court.

January 20, 1872.—The People of the United States in the Territory of Utah *vs.* John L. B. Blythe, James Toms, Alexander Burt, Brigham Y. Hampton, and Richard Morris. Murder of Dr. Robinson. George C. Bates, United States district attorney.

January 20, 1872.—The People of the United States in the Territory of Utah *vs.* James Beegan. Murder. George C. Bates, United States district attorney.

EXHIBIT C.

OFFICE OF THE CLERK OF THE
FIRST JUDICIAL DISTRICT COURT FOR UTAH TERRITORY,
March 16, 1872.

SIR: Herewith I send you a statement of criminal cases now pending and brought in this court within the last year, as requested in your letter (F) dated February 24, 1872.

The inclosed is as complete a report as I can possibly make from the records of my office.

Very respectfully, your obedient servant,

IRA M. SWARTZ,
Clerk.

Hon. GEO. H. WILLIAMS,
Attorney General of the United States, Washington City, D. C.

Statement of all criminal cases now pending or brought within the last year in the district court for the first judicial district of the Territory of Utah.

UNITED STATES BUSINESS.

1. The United States *vs.* William H. McKay, Joseph W. Heath, Edward St. Ledger. Robbing the United States mails; indictment found January 11, 1871, by a grand jury summoned from the body of the district on an open venire, by the United States marshal of the Territory. Charles H. Hempstead, esq., United States district attorney; McKay

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tried May 6, 1871, by a jury drawn same as grand jury, found guilty and sentenced to five years' imprisonment; is now in the Michigan State prison, Jackson, Michigan. Heath broke jail at Camp Douglas soon after arrest, and has remained at large until about the 12th of the present month, when he was brought from Laramie, and is now in charge of the United States marshal. Edward St. Ledger, having turned State's evidence, was set at liberty on his own recognizance, in the sum of $5,000. No records of costs in this case.

2. The United States *vs.* Joseph Boren and Jacob Harris. Indictment for larceny; found May 4, 1871, by grand jury summoned same as in No. 1. No trial had in this case; defendants out on bond of $500 each. Costs, as shown by pleadings, $41 95. Hempstead, attorney for United States.

3. The United States *vs.* William Lawrence, *alias* Larry. Indictment for purchasing soldiers' arms, found May 5, 1871, by grand jury summoned same as in No. 1. Hempstead, United States district attorney. Defendant on bail of $500. No record of costs.

TERRITORIAL BUSINESS.

4. The People of the United States *vs.* William H. McKay. Highway robbery, January 12, 1871; grand jury and attorney same as No. 1; no trial; no record of costs.

5. The People of the United States *vs.* John Baum and Henry L. Davis. Murder, January 12, 1871; grand jury and attorney same as No. 1. Baum never arrested. Davis voluntarily surrendered, and admitted to bail in the sum of $10,000. No record of costs.

6. The People of the United States *vs.* Martin Davis. Accessory before fact of murder, January 12, 1871. Grand jury and attorney same as in No. 1.

7. The People of the United States *vs.* Edward Watts. Murder second degree, January 14, 1871. Never arrested; grand jury and attorney same as in No. 1.

The People of the United States *vs.* William Bird, Aaron Johnson, and A. F. McDonald. Murder, January 14, 1871. Grand jury and attorney same as No. 1. Bird and McDonald not arrested. Johnson under bonds in the sum of $10,000.

The People of the United States *vs.* William Bird, Aaron Johnson, and A. F. McDonald. Receiving stolen goods, May 6, 1871. Hempstead, attorney. Grand jury drawn same as in No. 1. No trial; see No. 2.

I, Ira M. Swartz, clerk of the first judicial district court of Utah Territory, do hereby certify that the foregoing statement is correct, and that the list comprises all the criminal cases now pending or brought in the first judicial district court of Utah Territory within the last year, as shown by the records of my office.

In witness whereof I have hereunto set my hand and the seal of said court, this 16th day of March, A. D. 1872.

[SEAL.] IRA M. SWARTZ,
Clerk.

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EXHIBIT D.

BEAVER CITY, BEAVER COUNTY,
Utah Territory, March 14, 1872.

SIR: Yours of the 24th ultimo, requiring a statement as per copy of Mr. Sargent's resolution inclosed to me, is received, and I herewith inclose said statement.

Respectfully, &c.,

JNO. WARD CHRISTIAN,
Clerk Second District Court, Utah Territory.

Hon. GEO. H. WILLIAMS,
Attorney General, Washington, D. C.

Statement.

At our last term of the United States district court for the second judicial district of Utah Territory, begun and held on the 18th day of September, A. D. 1871, the following indictments were presented by the grand jury for "crimes cognizable under the authority of the United States laws" and statutes of Utah Territory, to wit:

1. The People of the United States in the Territory of Utah, plaintiffs, *vs.* Francis, *alias* Frank, Sadlier, defendant. Assault with intent to kill; statutes of Utah. Arrested by S. A. Patrick, deputy United States marshal, and held to bail for appearance at next term.

2. The People of the United States in the Territory of Utah, plaintiffs, *vs.* Frederick Hamblin, Jehial McConnell, and John M. Higby, defendants. Abduction of three infant children from maternal custody; statutes of Utah. No warrant issued.

3. The People of the United States in the Territory of Utah, plaintiffs, *vs.* John P. Lee, defendant. Adultery; statutes of Utah. No warrant issued.

4. The People of the United States in the Territory of Utah, plaintiffs, *vs.* William Unthank, defendant. Perjury; act July 1, 1862. On application to become a citizen. No warrant issued.

5. The People of the United States in the Territory of Utah, plaintiffs, *vs.* Thomas Durham, defendant. Perjury; act July 1, 1862. On application to become a citizen. No warrant issued.

The above indictments were signed by Solomon P. McCurdy, acting United States district attorney for the second district of Utah Territory, under special appointment by the court.

No civil actions in which the United States is a party filed within "last year." Only one on the docket—that against D. M. Thomas, formerly postmaster at San Bernardino, California, in which judgment by default was entered in favor of the United States, in 1867; not satisfied.

The jurors for this second judicial district have not been "selected," "drawn," nor "summoned" during the "last year," as provided by statutes of Utah; whether under any "law of Congress" or not I can not say; said by some to be drawn under common law provisions. The court has not intimated to me by what authority they were drawn, but *venires* were issued by the clerk, under order of the court, and delivered to A. S. Patrick, United States deputy marshal, who summoned from the different precincts and mining camps in Beaver County, as follows:

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Grand jurors.—From Beaver City, 5 grand jurors; from Greenville, 3 grand jurors; from Minersville, 3 grand jurors; from Star mining district, 10 grand jurors; from Lincoln mining district, 2 grand jurors; total, 23 grand jurors.

Petit jurors.—From Beaver City, 15 petit jurors; from Greenville, 2 petit jurors; from Minersville, 4 petit jurors; from Lincoln mining district, 3 petit jurors; total, 24 petit jurors.

By what "appropriation under the laws and usages of the Government the expenses of these trials and indictments are to be paid," I am not informed. It appears, however, that the territorial treasurer has refused to audit the orders of the United States marshal, on the ground that the orders of the territorial marshal are his vouchers, as is provided by the statutes of Utah, and not those of the United States marshal.

The costs and expenses of the last term (the only term within "last year") would approximate, in my judgment, $700. The amount does not appear on my docket. The orders were filled out by the marshal, and the jurors' fees, witnesses, &c., were paid by him, but the orders were not spread upon the docket; this matter was rapidly dispatched by the marshal, and the clerk neglected to take a memorandum of the amounts, so as to make up his records in that particular.

Very respectfully,

JOHN WARD CHRISTIAN,
Clerk Second Judicial District Court, Utah Territory.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 257.

ABRAHAM P. EYRE.

[To accompany bill H. R. 1233.]

LETTER

FROM

THE SECRETARY OF WAR,

AT THE REQUEST OF THE COMMITTEE ON MILITARY AFFAIRS,

RELATIVE TO

Claim of Abraham P. Eyre, of Philadelphia.

APRIL 17, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *April* 15, 1872.

The Secretary of War has the honor to transmit to the House of Representatives the accompanying papers, which embrace all the information that can be procured from the records under his charge upon the subject of the bill (H. R. 1233) for the relief of Abraham P. Eyre, of Philadelphia, upon which a report was requested by the Committee on Military Affairs.

WM. W. BELKNAP,
Secretary of War.

List of papers.

Chief of Engineers to Secretary of War, December 8, 1870, inclosing copies of two contracts between Lieutenant Colonel Stewart and Mr. Eyre, July 13, 1867.

Letter of Mr. Eyre to Secretary of War, March 23, 1870, (two inclosures.)

Letter of Mr. Eyre to Secretary of War, February 7, 1870.

Letter of Mr. Eyre to Secretary of War, May 24, 1870.

Letter of Lieutenant Colonel Stewart to Chief of Engineers, December 2, 1869.

Letter of Lieutenant Colonel Stewart to Chief of Engineers, February 23, 1870, (one inclosure.)

Letter of Lieutenant Colonel Stewart to Chief of Engineers, February 28, 1870, (two inclosures.)

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Letter of Lieutenant Colonel Kurtz to Chief of Engineers, June 10, 1870.
Circular office Chief of Engineers, November 25, 1870.
Opinion of Judge Advocate General, December 12, 1870.
C. P. Stratton, attorney, to Secretary of War, December 29, 1870.
Judge Advocate General to Stratton, January 6, 1871.
Lieutenant Colonel Kurtz to Chief of Engineers, March 6, 1871, inclosing—
Eyre to Kurtz, March 6, 1871.
Chief of Engineers to Lieutenant Colonel Kurtz, March 7, 1871.
Lieutenant Colonel Kurtz to Chief of Engineers, March 8, 1871.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., December 8, 1870.

SIR: I respectfully return herewith certain papers referred to this office in relation to the claim of Abraham P. Eyre, late contractor for furnishing the material and labor, and constructing timber-cribs for the new piers at Marcus Hook, Pennsylvania.

Mr. Eyre entered into a contract with Colonel C. S. Stewart, of the Corps of Engineers, 13th July, 1867, and by its terms he was to commence the construction of the cribs on or before July 17, 1867, and to finish all of the work contracted for on or before the 1st of January, 1868. In case of his "failure to comply with each and every stipulation" of his contract, the reserved one-fifth of his payments to be forfeited to the United States.

Mr. Eyre failed to complete his work within the specified time, and at the request of Colonel Stewart authority was given to extend the time for the completion of the contract, he (Colonel Stewart) "to fix the period of extension." The contract was accordingly extended "through the season of 1868 as the outside limit." Mr. Eyre failed to finish his work in 1868, and did not complete it until November, 1869, about eleven months after the expiration of the extended time.

Under the circumstances of the case Colonel Stewart felt it to be his duty to withhold the payment of the 20 per cent. retained for non-fulfillment, and offered to settle with Mr. Eyre by paying him the balance. This proposition Mr. Eyre declined to accept.

The case is somewhat complicated, involving legal principles concerning which (upon reference to the opinion of the Attorney General) there appears to be some conflict of opinion, and as it is desirable that the question of payment should be decided at as early a date as practicable, I beg leave, respectfully, to request that the subject be referred to the law officers of the Government for a decision.

The opinions of the Attorney General on the subject of forfeiture are found in vol. II, page 480, and vol. IX, page 210.

In accordance with the first opinion the contractor is not entitled to the retained per cent.; in accordance with the second opinion, above referred to, it would appear that since the officer did not declare to the contractor, on the expiration of the extended time, that the contract was at an end, and the retained per cent. forfeited, he waived this right, and by accepting the work the contractor became entitled to the amount retained.

The following papers accompany this letter, viz:

1. Copies of contracts made by Colonel Stewart with A. P. Eyre, 13th July, 1867.

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2. Letter of A. P. Eyre, March 23, 1870, to Secretary of War, (two inclosures.)
3. Letter of A. P. Eyre, February 7, 1870, to Secretary of War.
4. Letter of A. P. Eyre, May 24, 1870, to Secretary of War.
5. Letter of Lieutenant Colonel C. S. Stewart to Chief of Engineers, December 21, 1869.
6. Letter of Lieutenant Colonel C. S. Stewart to Chief of Engineers, February 23, 1870.
7. Letter of Lieutenant Colonel C. S. Stewart to Chief of Engineers, February 28, 1870, (two inclosures.)
8. Letter of Lieutenant Colonel J. D. Kurtz to Chief of Engineers, June 10, 1870.
9. Circular office Chief of Engineers, November 25, 1870.

Paragraphs referred to marked in red.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Articles of agreement entered into this 13th day of July, 1867, between Lieutenant Colonel Charles S. Stewart, Corps of Engineers, United States Army, of the one part, and Abraham P. Eyre, of the city and county of Philadelphia, in the State of Pennsylvania, of the other part.

This agreement witnesseth that the said Lieutenant Colonel Charles S. Stewart, Corps of Engineers, United States Army, for and in behalf of the United States of America, and the said Abraham P. Eyre, for himself and his heirs, executors, and administrators, have mutually agreed, and by these presents do mutually covenant and agree, to and with each other, in the manner following, namely: That the said Abraham P. Eyre shall furnish or deliver to such person or persons as may be designated, and at such points on Marcus Hook, on the Delaware River, as may be directed by the engineer officer in charge, or his agent, in such quantities and of such forms and dimensions as may from time to time be required, all the hemlock wharf-timber required in the building of the four new piers at Marcus Hook, on the Delaware River, in accordance with the plans and instructions he shall receive from the engineer officer in charge, or his agents.

That all of the timber offered by the party of the second part under this contract shall be of the best and most durable quality used in like constructions, and shall, before being accepted, be subject to a rigid inspection by an inspector appointed on the part of the Government at Marcus Hook, and such as shall not conform to the specifications set forth in this contract shall be rejected.

That all the expenses attending the inspection and measurement of the timber to be furnished, except the compensation of the agents of the United States, shall be borne by the party of the second part.

That the said party of the second part shall commence the delivery of the timber contracted for on or before the 17th day of July, 1867, and complete the delivery of all to be furnished on or before the 1st day of January, 1868.

That when funds are available for that purpose, payment shall be

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made for all the timber that may be received and accepted at the rate of 13¼ cents per foot face of hemlock wharf-timber; that is to say, four-fifths of the said sum of money stipulated to be paid for each and every foot face of hemlock and wharf-timber received and accepted upon the delivery to the said Lieutenant Colonel Charles S. Stewart, or his successor, of a certificate signed by the agent of the United States at Marcus Hook, specifying the number of feet of timber furnished, delivered, and accepted, in conformity with the terms of this contract, and the remaining one-fifth when the whole of the timber contracted for shall have been so delivered and accepted.

That in case of the failure of the party of the second part to comply with each and every stipulation of this contract, then the said reserved one-fifth is to be forfeited to the United States.

No member of Congress, officer or agent of the Government, or any person employed in the public service shall be admitted to any share herein or any benefit which may arise herefrom.

This contract not to be binding upon either party until approved by the Chief of Engineers, United States Army; nor shall it be transferred to other parties than those named and who subscribe hereunto without his consent and approval.

In witness whereof the undersigned have hereunto placed their hands and seals the day and date first above written.

(Executed in quintuplicate.)

C. SEAFORTH STEWART,
Lieutenant Colonel Engineers.
A. P. EYRE.

Witnesses:
THOMAS VALENTINE.
WM. B. LIDDLE.

Articles of agreement entered into this 13th day of July, 1867, between Lieutenant Colonel Charles S. Stewart, Corps of Engineers, United States Army, of the one part, and Abraham P. Eyre, of the city and county of Philadelphia, in the State of Pennsylvania, of the other part.

This agreement witnesseth that the said Lieutenant Colonel Charles S. Stewart, Corps of Engineers, United States Army, for and in behalf of the United States of America, and the said Abraham P. Eyre, for himself, his heirs, executors, and administrators, have mutually agreed, and by these presents do mutually covenant and agree, to and with each other, in the manner following, namely: That the said Abraham P. Eyre shall furnish all the labor, means, and appliances necessary for constructing, and shall construct, in accordance with the plans and instructions he shall receive from the engineer officer in charge, or his agents, four timber-cribs for new piers at Marcus Hook, on the Delaware River; and shall sink the said cribs in the Delaware River in such positions and at such distances from the piers at Marcus Hook, and from each other, as shall be directed; and shall in every respect finish, level, and fit properly for the reception of its superstructure each and all of the said cribs, in accordance with the plans and specifications he shall receive from the engineer officer in charge or his agents.

That the said party of the second part shall, at his own expense, receive, take care of, and be responsible for all materials delivered at

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Marcus Hook, and accepted by the United States, for use in the construction of the said cribs.

That all the crib-work contracted for shall be of the best class usual in like constructions, and subject at all times to rigid inspection by the engineer officer in charge, and by an inspector appointed by the United States, and such work as shall not conform to the specifications of this contract shall be rejected.

That all the expenses attending the inspection and measurement of the work done on the cribs, except the compensation of the agents of the United States, shall be borne by the party of the second part.

That the said party of the second part shall begin the construction of the said cribs on or before the 17th day of July, 1867, and finish all the crib-work contracted for on or before the 1st day of January, 1868. That when funds are available for that purpose payment shall be made for all the labor furnished and work done and accepted at the rate of five cents for every foot of face measured in the work; that is to say, four-fifths of the said sum of money stipulated to be paid for each and every foot of face of crib work completed and accepted, upon the delivery to the said Lieutenant Colonel Charles S. Stewart, or his successor, of a certificate, signed by the agent of the United States at Marcus Hook, specifying the number of feet of face of crib-work completed in compliance with the terms of this contract; and the remaining one-fifth when the whole of the crib-work contracted for shall have been so completed and accepted.

That in case of the failure of the party of the second part to comply with each and every stipulation of this contract, then the said reserved one-fifth is to be forfeited to the United States.

No member of Congress, officer, or agent of the Government, or any person employed in the public service shall be admitted to share herein or any benefit which may arise herefrom.

This contract not to be binding upon either party until approved by the Chief of Engineers United States Army, nor shall it be transferred to other parties than those named and who subscribe hereunto without his consent and approval.

In witness whereof the undersigned have hereunto placed their hands and seals the day and date first above written.

(Executed in quintuplicate.)

C. SEAFORTH STEWART,
Lieutenant Colonel Engineers.
A. P. EYRE.

Witnesses:
THOMAS VALENTINE,
WM. B. LIDDLE.

PHILADELPHIA, *March* 23, 1870.

HONORED SIR: I herewith respectfully submit the following additional papers relative to my claim for constructing piers at Marcus Hook, Delaware River, and desire that they may form part of, and be considered with, my petition of February 7, 1870.

Very respectfully, your obedient servant,

A. P. EYRE.

HON. WILLIAM W. BELKNAP,
Secretary of War.

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I, William Bigby, do hereby certify and declare that I boarded a large number of men employed by A. P. Eyre in constructing certain piers for the United States Government at Marcus Hook, and do fully and heartily corroborate the statement set forth in the paper hereunto annexed, in all parts and particulars, and would most respectfully ask the authorities having the matter in charge to cause the payment of Mr. Eyre's claim, especially in view of the large amount of money expended by him over and above what he was to receive from the Government, as per reliable information received.

Attest:

WILLIAM H. BIGBY.

—

To whom these presents shall come: We, the undersigned, citizens and residents of the town of Marcus Hook, on the Delaware River, do hereby certify that we witnessed the construction of certain piers for the Government by A. P. Eyre, contractor for the same, and can testify of his indomitable perseverance in their construction, encountering all manner of difficulties and surmounting the whole of them. We do further certify that no other contractor was for one moment delayed in the prosecution of their operations, because of any neglect on the part of A. P. Eyre, for, in fact, to our own knowledge, several of said piers were ready for the reception of dressed stone for several months before a single stone was placed upon them; and further that, such was the anxiety of Mr. Eyre for the completion of his contract that, at great cost to himself, he caused his workmen to labor for many nights, by artificial light, they taking advantage of day and night and low waters. In view of all the facts in this matter, we would ask, in justice to Mr. Eyre, that he be paid all that may be due to him, as he is the only contractor that has fairly and fully completed his contract. And we further certify that the whole work, as required to be done by the said A. P. Eyre, was finished on or about the 11th day of November last past, and was accepted as satisfactory by the agents of the Government, &c., &c., &c.

DANIEL SMITH.
JOSEPH McDADE.
JAMES S. MARTIN.
W. H. H. GIBSON.
JOHN F. SYFRIT.
GEORGE A. BENSON.
WILLIAM BIGBY.
GEORGE McCLINTOCK.
ALFRED BUNTING.
LEWIS M. DADE.
E. H. BIGBY.
J. HERVEY WALKER.
CHARLES E. LEWIS.
THOMAS T. HALL.
E. W. CASEY.

Memorandum: It will be observed that the award was made to A. P. Eyre on the 15th day of June, A. D. 1867, (see printed proposal herewith submitted;) and that he, the said A. P. Eyre, contracted with Messrs. Gillingham, Garrison & Co., on the 21st day of June, 1867, for the supply of the wharf-timber, (see agreement, also herewith submitted,) although the contract with the Government was not made until the 13th day of July of the same year, 1867. (See also the contract made with the Government by A. P. Eyre.)

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PHILADELPHIA, *March* 4, 1870.

I, Jonathan Powell, wharf-builder, of the city of Philadelphia, do hereby certify that I used 5,754 feet of timber that was rejected by the superintendent at Marcus Hook constructing certain piers for the United States Government, and which timber I received from A. P. Eyre, esq., and that I found the same to be good timber for wharf-building purposes; my object in using it being that the lengths suited me better than my own timber.* The timber was received by me in September, 1867.

J. POWELL.

UNITED STATES ENGINEER OFFICE,
209 *South Sixth Street, Philadelphia, May* 22, 1867.

NEW PIERS AT MARCUS HOOK, PENNSYLVANIA.

Sealed proposals in duplicate, with a copy of this advertisement attached to each, will be received at this office until 12 o'clock m. Thursday, June 13, 1867, for furnishing materials and labor for the construction of four new piers at Marcus Hook, Delaware River, Pennsylvania.

The superstructure of each pier to be of hard and durable stone; the facing in six courses of headers and stretchers, dove-tailed; the rise of each course, 2 feet; the cubic contents of blocks varying from 20 to 56 feet; the faces, ax or pear-hammer work; beds and joints, good joint work; jervis and dowel holes to be drilled if required; backing to be of rubble-stone; the top to be paved with stones from 1 to 2 feet in thickness with good natural face, and jointed to lengths of 5 feet and random widths.

The stone to be delivered at such points at or near Marcus Hook, and to such persons as may be designated by the proper officer or agent of the United States, and any other material to be deliverable under like conditions.

The cribs upon which the piers are to rest are to be sunk in depths varying from 20 to 24 feet, or thereabouts, at ordinary low water. Length of each at bottom, about 77 by 34 feet in width; at top, 74 by 32. To be hemlock wharf-timber, to work 10 inches least dimensions.

There will be required for the superstructure of each pier about 7,000 cubic feet of hammered facing-stone, giving 2,800 superficial feet of face, and 7,800 superficial feet of bed and joint work; 1,350 cubic feet of paving-stone, giving 1,700 feet of joint work; 600 perches of 25 cubic feet each of rubble backing; for each crib about 18,000 feet face of crib-work, 8,000 pounds of iron bolts, &c.; 750 perches of rubble filling, to be delivered in crib.

Proposals for putting the stone of superstructure of each pier in place must state the rate of labor per cubic yard of facing and paving stone, and per perch of 25 cubic feet for backing with rubble. All stones to be laid dry, in the best manner, and in accordance with instructions to be given; the rates to cover every expenditure necessary in receiving, caring for, and putting the stones in position.

Proposals for labor for cribs to state the rate per foot of face, measured in the work, and to include every expense of receiving and caring

* This timber was of special length.

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for materials, framing, putting together, sinking the cribs in proper position, &c., in accordance with instructions that may be given.

All materials and labor to be of the best quality, subject to inspection and rejection if not approved.

A deduction of 20 per centum to be made on any payment made in part for material or labor accepted.

Separate proposals to be made for stone, for lumber, and for iron; also for labor for masonry and labor for crib-work.

Each bid must be guaranteed by two responsible persons, whose signature should be appended to the guarantee, and who should be certified to as being good and sufficient security, by the United States district judge, attorney, collector, or other public officer.

Envelopes to be indorsed, "Proposals for new piers at Marcus Hook."

Bids to be opened at 12 o'clock m. on Thursday, June 13, 1867. Bidders are invited to be present.

For further particulars inquire at this office.

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

I hereby agree to purchase of Garrison, Gillingham & Co. 15,000 surface feet of hemlock wharf-timber, 9 inches thick and upwards, for 12 cents per foot, face measure; timber to be received by me at their wharf, in Camden, in good rafting condition. Payment for the timber to be reserved in the hands of Colonel Seaforth Stewart, and to be paid over to said Garrison, Gillingham & Co. from time to time; and they also agree to furnish a man to go with the timber to Marcus Hook free of charge to me.

A. P. EYRE.

CAMDEN, *June* 2, 1867.

[5-cent internal-revenue stamp.]

I have further agreed to purchase of Messrs. Garrison, Gillingham & Co. 15,000 feet additional of hemlock wharf-timber, at 12 cents per foot, face measure, of the same description and terms as above, and have also agreed to sell Messrs. Garrison, Gillingham & Co. three hemlock wharf-timber, at 12 cents per foot, face measure, of the same description and terms as above; have also agreed to sell Messrs. Garrison, Gillingham & Co. three hemlock log-rafts, to average, respectively, 17 and 20 inches, now lying at Richmond, marked George Bush, at $10 per M feet, board measure; measurement of said rafts to be made satisfactory.

EDWIN S. EYRE,
For A. P. EYRE.

CAMDEN, *June* 22, 1867.

[5-cent internal-revenue stamp.]

The within is a correct copy of the contract made by us with A. P. Eyre, payment for which has been made to us by Colonel S. Stewart, by orders of Mr. A. P. Eyre.

GARRISON, GILLINGHAM & CO.

PHILADELPHIA, *February* 7, 1870.

We, the undersigned, for ourselves and the respective companies we are now and have been heretofore connected with, do certify that we

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have employed Abraham J. Eyre as wharf-builder, and do, with pleasure, testify to his energy and skill in the prosecution of his business as a wharf-builder.

Yours, respectfully,

W. H. GATZMER,
President Camden and Amboy Railroad Company.
J. EDGAR THOMPSON,
President Pennsylvania Railroad Company.
C. E. SPANGLER,
President Greenwich Railroad and Improvement Company.
S. M. FELTON,
Late President Philadelphia, Wilmington and Baltimore R. R. Company.
H. HOPPIN,
Owner of Keystone Mill, Fairmount.
R. F. LOPER,
President Miflin Transportation Company.
W. M. BAIRD,
Agents Swiftsure Transportation Company.
SAMUEL GRANT, JR.,
Towerdale, Pennsylvania.

SIR: Your petitioner most respectfully represents that on or about the 23d day of May, 1867, his attention was called to an advertisement in several of the newspapers of the city of Philadelphia, over the signature of Colonel C. S. Stewart, United States Engineers, wherein proposals were invited for the construction of four piers, at Marcus Hook, on the Delaware River, State of Pennsylvania, the material required for the same being mentioned as "hemlock wharf-timber."

Your petitioner, after a number of interviews had with one John Ganung, a person at that time owning and holding sufficient wharf-timber to construct said piers, set himself about the preparation of his proposals, which were accordingly submitted, he, however, being reassured and encouraged by the said John Ganung, on the morning of the day of the opening and awarding of the contracts, that he, the said Ganung, would stand by your petitioner in his proposition, and would and could furnish the timber required at a price that would allow your petitioner to make his proposals, as he had done, and realize thereby a sufficient profit to make it to your petitioner's advantage. On the faith of such assurances your petitioner was induced to make his proposals at very low figures to secure the contract, and which, by said bid, he did receive.

And your petitioner would further state that upon the announcement being made by Colonel Stewart that the proposals of your petitioner were the lowest for the parts embraced in his proposals, he thereupon immediately called upon the said Ganung for the purpose of at once securing the said hemlock wharf-timber, but, to the inexpressible surprise and astonishment of your petitioner, he was then informed by the said Ganung that he had, after he had left me in the morning of the awarding of the contracts, sold all his timber to a competitor of your petitioner; the said Ganung also informing your petitioner, at the same time, that he, the said competitor, had so completely monopolized the wharf-timber market that not a foot of timber that would be required for the construction of said piers could be had at any price; this movement being done on the part of said competitor with a view of preventing your petitioner from complying or performing the condition of

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his proposals, from your petitioner's inability to procure the necessary quantity of hemlock wharf-timber that would be required in the construction of said piers.

Your petitioner not feeling inclined to be driven off and compelled to give up his contract by the means thus resorted to, came to the determination to meet the emergency as best he could under the circumstances. This statement of facts was fully known by Colonel Stewart, who, from the force of said misfortune, felt disposed in the most kind manner to assist your petitioner in every way he possibly could, consistent with his duty to the Government, in the premises.

Your petitioner therefore at once commenced the construction of said piers, with the timber your petitioner had at that time on hand, and entering into a contract with the firm of Gillingham, Garrison & Co. for the supply of a large quantity of wharf-timber, pronounced by good judges of timber to be of most excellent quality, but not 8 inches on the edge. Here it should be observed that in the stipulation first had 10 inches was the size required. Subsequently, upon inquiry being made by Colonel Stewart whether wharf-timber would hold 10 inches, the answer of your petitioner was that it would not; the second query was, would it reach 8 inches? Your petitioner observed that it might do so at certain seasons, but in consequence of the scarcity of timber upon the margin of the Delaware, and from the fact that raftsmen were compelled to haul from 8 to 12 miles to get their timber to the shores of the Delaware and its branches, it became a matter of great difficulty in procuring the size mentioned, to wit, 8 inches, or over; however, your petitioner assured the Colonel that his best endeavors should be directed to conform to his wishes in this respect.

Your petitioner would here observe that the timber furnished by Gillingham, Garrison & Co., though not quite 8 inches on the edge, yet the same would dress in the jogs 13 to 14 inches on each edge, but under the stipulations of said contract the superintendent at Marcus Hook rejected all the timber as furnished by said Gillingham, Garrison & Co., which caused a severe loss to your petitioner, both as to time and money, and causing delay.

The rejection of this last-mentioned timber compelled your petitioner to seek a supply elsewhere, which he did from Mr. Robison, at Burlington, New Jersey, who agreed to furnish all the timber he could, charging for the same 19 cents per foot at the mill, exclusive of towing, making a cost to your petitioner of 20 cents per foot, delivered at Marcus Hook, while the price your petitioner was to receive under the contract was the sum of 13¼ cents per foot. From the fact that the superintendent at Marcus Hook had rejected nearly all the timber sent by your petitioner, and intended for use in the construction of the piers aforesaid, your petitioner felt much dejected in his undertaking, inasmuch as your petitioner had no discretion or control over the construction of said piers.

Your petitioner would further state that, in order to prosecute his work, he was compelled to reduce the timber on hand in many instances at least one-half of its surface measurement, paying for the labor required in the reduction thereof at the rate of $3 per day, in cash, and board for many of his employés, which thus caused a ruinous loss to your petitioner, in order to prosecute his contract to completion.

Your petitioner furthermore addressed circulars to many of the timber-getters in the upper part of Pennsylvania and New York, seeking proposals for such timber as seemed to be required by the superintendent at Marcus Hook in the construction of said piers. Your petitioner

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did receive from the parties addressed proposals for a supply of said timber, the prices named therefor ranging from 22 to 24 cents per foot. This price, of course, your petitioner could not afford to give, in view of the price he was to receive for the same under his agreement. So, from the fact of the said publication made in the timber country, your petitioner would rest the matter and risk the chance of getting the supply at a lower and more reasonable price. Here it should be observed that had the said publication, when first made, stated that several piers would require to be constructed of bill-timber instead of wharf-timber, as had been called for, your petitioner would have known how to have been governed thereby. The first season closed after great labor and expense with the construction of only one pier, and it not sunk in its place, but secured from the operation of the ice. The following spring brought to the market a considerable quantity of wharf-timber, part of it exceeding 8 inches, in fact some of it 12 inches, but the larger part thereof below the average required, which, being measured to your petitioner at its then size, and to be remanufactured into bill-timber at a considerable loss in labor and material. Your petitioner was, according to the terms of his contract, conditioned to sink the piers, but not to build them several feet higher than the point of low water. He accordingly did sink them in the proper place, in compliance with the terms of his agreement; and by order of the superintendent at Marcus Hook the said piers were filled up with stone to the capacity of 15 to 18 vessel-load of stone to each pier, for the purpose, as stated by him, to weigh them down, which, under the circumstances, was perfectly right and proper to sink said piers to low water, thereby compelling your petitioner to desist from the prosecution of his work, in order to settle the said piers, in accordance with the directions of the superintendent, who stated that there need be no hurry in the matter, thereby delaying the work and retarding the completion of his contract.

While the piers were thus loaded with stone, your petitioner's men were especially ordered by the said superintendent to desist from work upon them, which necessarily augmented the loss and caused additional expense to your petitioner. It will be remembered that the piers were to receive a topping of dressed stone; this to be done, in the condition the piers were thus placed, involved a large amount of timber to be taken off by the use of certain bolt-machines, and the stone thrown off, and all at the cost of your petitioner, to wit, the sum of $3 per day and board of his men, as aforesaid. Your petitioner would say that he never would have engaged or continued in this contract had he supposed, for one moment contemplated, or thought that he would have been required, over and above the sinking of said piers, to riprap and unload and take down solid work at such enormous loss and expense and delay in the prosecution of the work to completion.

Your petitioner alleges, and can easily prove, that if the stone necessary to complete the piers had been ready he could months before had several of them completed. As it was, after being made ready, they remained for several weeks and months waiting for the arrival of the stone. And your petitioner further alleges that the person to whom the contract was awarded to furnish the said stone never quarried at most more than three isolated pieces of stone from first to last, as your petitioner understood that the resident officer ordered other parties to furnish the stone necessary to forward the work; your petitioner being informed that he must keep ahead of the stone contractors, as he did, and no one engaged in that line can say that he or they were detained

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or prevented from the prosecution of his work or supply for a single moment.

Your petitioner would further state that, in consequence of being compelled to wait for extreme low tide, to enable your petitioner to affix a platform for the reception of the stone-work on pier No. 4, necessarily prolonged the completion of the work, the winds prevailing constantly to interfere with the progress of the work, thereby augmenting the cost so much that the return for labor done, as made and returned by the superintendent, amounted barely to a sum insufficient to pay for the board of his men, and in no wise adequate as a remuneration for the services had, and the sum expended by your petitioner; and further, your petitioner would say that the last one year's work or labor performed by all his men did not amount to a sum as to value to him sufficient to pay their board, much less the wages your petitioner was forced to pay them, and although so completely disappointed, and suffering such losses, he continued to prosecute the work under all unfavorable circumstances to completion, his men frequently, day after day, being unable, in consequence of continued tides preventing them from working, as they should and could under different auspices, they hardly earning one dollar a day, although your petitioner was compelled to pay them for full time, and board them; and your petitioner doth further say that throughout the entire time he has been engaged in the erection of said piers he has not been able to earn more than the sum of $150 from any outside work, and that was done one year ago, at a time, however, when it was impossible to work at the piers at Marcus Hook.

Your petitioner would further state that the labor done by him in the erection of the said piers, excluding incidental expenses, has cost more than four times as much as your petitioner was to receive from the United States Government; (this he apprehends will not be denied by the resident officer;) and further, your petitioner is now an old man, impaired in fortune, and has suffered and is now suffering from the losses sustained by him in this undertaking. He therefore asks and respectfully solicits from those having the authority and control over the matter to give his appeal a favorable consideration, and allowing him, in consideration of having used most, if not all, of his own means, as well as the moneys of others, who have assisted him in the prosecution and completion of his contract, a sum sufficient to pay for the work done and performed, and that he be allowed all the money returned as due to him, and also that a further sum approximating to at least the amount that meets the next highest bid entered for the same at the time of awarding the contract; this to be done in view of the timber that was required in the construction of said piers being bill-timber instead of wharf-timber, as the case was stated in the advertisement first mentioned, which difference in the price paid for said timber was as 19 cents compared with 13¼ cents, as also for an allowance made for the sinking of said piers, the removal of the timber after it had been placed in proper position, the expense attending the arranging and fixing of the platforms and removal of stones. He would further state that should said sums be allowed your petitioner, which in right and fairness should be allowed him, he would even then be largely a loser. He, therefore, having completed his contract and finished said piers several months, desires a settlement, he considering it hard that he is compelled to wait for his pay simply because others engaged in other parts of the work, unconnected, however, with his own contract, have yet to perform the duty which exclusively belongs to themselves. Your petitioner is reliably informed that the party receiving the first award of

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contract for furnishing the stone either failed to furnish a supply, or abandoned his contract. Also a second contractor made the attempt to furnish the stone and complete the terms of the stone contract, meeting with a similar discomfiture, and now a third party has undertaken to complete the contract, with what success time alone can reveal, thereby conclusively showing that your petitioner has in no wise retarded the stone contractors or contractor in the completion of their or his contract, inasmuch as your petitioner has for months completed the labors enjoined on him, while the others, as above stated, are still in a condition of non-completion; furthermore, had your petitioner been permitted or suffered to exercise his skill and judgment in the construction of said piers, they would have been completed at least eighteen months sooner than they were. The hereunto-annexed certificate of recommendation freely given by several gentlemen well and favorably known to the entire country will verify the observations hereinbefore set forth.

ABRAHAM P. EYRE.

Hon. W. W. BELKNAP,
Secretary of War.

(For certificates see preceding paper.)

PHILADELPHIA, *May* 24, 1870.

RESPECTED SIR: You may be aware that I constructed four piers in the Delaware River, at Marcus Hook, during the resident occupancy of that department by Colonel C. S. Stewart. A long time was consumed in their construction; no fault of mine, however. For particulars I respectfully refer the honorable Secretary to my petition, I presume now on file in your office. In the final report of Colonel Stewart, he allotted me a portion to be paid me, the remainder to be forfeited for the benefit of another contractor who had never made an effort to commence his contract. Of course I could not consent to said forfeiture after the large amount I had been compelled to spend over and above what I was to have received. Will the honorable Secretary give such orders to Colonel Kurtz so as to enable me to get part of my money. Several personal friends, in and out of Washington, I am informed, have made an effort to help me. This is my first personal effort to obtain part of my money.

Allow me again to ask General Belknap to assist me, as I am an old man and embarrassed.

Sincerely, your obedient servant,

A. P. EYRE,
No. 140 *South Third Street, Philadelphia.*

The Hon. SECRETARY OF WAR.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, December 21, 1869.

SIR: I have the honor to state that on the 11th of November, 1869, Abraham P. Eyre, contractor for cribs for new piers at Marcus Hook, Pennsylvania, completed the wood-work of the fourth and last crib agreed to be built under his contract of July 13, 1867.

In accordance with its terms, all work on those cribs should have been done on or before the 1st day of January, 1868. At that time only one had been begun. Upon my recommendation the time was extended,

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and Mr. Eyre agreed positively to complete all during or before the expiration of the season of 1868. He failed to within that period of extensions, and has wasted another year, to the detriment of the United States, and is justly chargeable with the expenses of inspectors and of the office for this last year, if not for the two past.

In consequence of this failure, due chiefly to his own inattention and disregard of instructions, another contractor, from the rise in the prices of labor, while awaiting the completion of the crib-work to enable him to furnish the stone-work of the superstructure, has been unable to comply with the terms of his agreement, and further delay and injury has resulted, and will yet result to the United States.

In the contract with Mr. Eyre was the following stipulation, viz: "That in case of the failure of the party of the second part to comply with each and every stipulation of this contract, then the said reserved one-fifth is to be forfeited to the United States."

Under this, if of any binding force, all the money retained, on payments in part, during the construction of the cribs, has been justly forfeited. He failed as to the stipulation as to time, and failed again when the term of completion was extended nearly a year. Then, too, although the timber consumed in the cribs and the labor expended thereon have finally been accepted, they have, in general, just barely escaped rejection. It has been steady and very hard work to keep Mr. Eyre within the spirit of the specification, to say little of the letter, and to force him to send timber that could pass inspection.

The great delay during the present year is mainly, if not wholly, due to his perverseness. In 1868 he ceased work on the 15th of December. Although directed to take advantage of any mild weather in January, 1869, to do work which might have saved a delay of months, he paid no attention to the matter, except for purposes of deception, and availed himself, as I am informed, of the mild weather to do a job of tide-work at or near this city instead. From notes, which the inspector at Marcus Hook was directed to make, it seems there were seventeen days in January, 1869, when work could have been advantageously carried on, exclusive of the 29th, when two men worked. On the 12th of that month the foreman was sent down, and a day or two after Mr. Eyre called with him, at this office, and stated in self-justification that no work could be done; "the tides were too high; so high the cribs could not be seen," or the like, and appealed to his foreman, who confirmed what he said. As Mr. Eyre had so often before proved unreliable in his statements, and utterly tricky, I could not and did not believe him; therefore I asked him if it was low water when the foreman was at Marcus Hook. He replied, "Yes; wasn't it John?" or words to that effect. To which, as I expected, John, upon my turning toward him and looking him in the face, after some hesitation, said no. In fact it was low water at Marcus Hook, on the day referred to, at the time the foreman was leaving Philadelphia, and he did not reach the piers until it was one-third flood. He tried to induce the inspector then, as I have since learned, to aid in deceiving me as to the facts in the case. On the 4th of February three men worked at Marcus Hook, but nothing more was done, though there were, in the month, a dozen or more warm days, with favorable tides. A part of March was likewise wasted, and many days during the summer. The whole course of action pursued during the winter months, when, owing to northwest winds, there are frequent low tides, was in violation of stipulations of the contract through disregard to instructions. I do not think that Mr. Eyre has been at Marcus Hook during the year. For the foregoing reasons, I have told

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him I should not pay him the one-fifth retained, and also that I should refer the matter, with my statement of the case, to the Chief of Engineers, for his action and instructions. After examinations of books and papers, just completed, the accounts stand as follows, viz:

	Feet.	In.		
Total timber accepted	84,471	11	face, at 13¼ cts. =	$11,192 53
Deduct 20 per cent. retained	16,894	4⅗	do	2,238 51
Amount to be paid for	67,577	6⅖	do	8,954 02
Paid heretofore	56,138	0	do	7,438 28
Remaining to be paid	11,439	6⅖	do	1,515 74
Total labor accepted on	79,570	9	in place, at 5 cts. =	3,978 54
Deduct 20 per cent. retained	15,914	1⅘	do	795 71
Amount to be paid for	63,656	7⅕	do	3,182 83
Paid heretofore on	54,035	0	do	2,701 75
Remaining to be paid for on	9,621	7⅕	do	481 08

SUMMARY.

Timber, amount remaining to be paid for	$1,515 74
Labor, amount remaining to be paid for	481 08
Total now due Mr. Eyre	1,996 82
Forfeited 20 per cent. on timber, (retained)	$2,238 51
Forfeited 20 per cent. on labor, (retained)	775 75
Total forfeited 20 per cent. retained	3,034 22

This sum of $3,034.22, as stated heretofore, Mr. Eyre has forfeited under the terms of his contract. Moreover, since he closed operations about the middle of December, 1868, and up to the completion of the crib-work, $2,815 have been expended for services of inspectors, clerk, and messenger, rendered necessary by his inexcusable delay. If the proper share of office-rent, fuel, stationery, &c., which should be borne by the appropriation for improving harbor at Marcus Hook, be added, the sum would equal or exceed the $3,034.22 retained on payments in part on the double score of forfeiture and damages suffered by the United States, through the willful mismanagement of Mr. Eyre. I cannot pay this sum to him unless under express orders from the Chief of Engineers, which I hope may not be issued. Mr. A. P. Eyre is a man of large property and can bear the loss.

He has proved unreliable and a thorough *nuisance* from first to last. I would therefore respectfully recommend that all officers of the corps be warned in their dealings hereafter for the United States to avoid him as they would the pest.

I have the honor to be, sir, very respectfully your obedient servant,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

N. B. It is my intention to pay Mr. Eyre the $1,996.82 due him, unless otherwise directed.

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

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UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, February 23, 1870.

SIR: In reply to letter from the office of the Chief of Engineers, dated Washington, D. C., February 21, 1870, I have the honor to state that the contracts with A. P. Eyre for cribs for the new piers at Marcus Hook, Pennsylvania, were extended beyond the 1st January, 1868.

Mr. Eyre was asked what time was necessary for their completion, and at first stated he thought he could finish them (to the best of my recollection) about July of that year. I told him he had better be sure of his limit, and finally he said he could certainly complete them during that season; and in accordance with the authority given me by letter of 5th of February, 1868, from the Chief of Engineers, United States Army, a copy of which is transmitted herewith, his time was extended through that season as the outside limit.

He closed work on the 14th December, 1868, and on the next day his foreman went home, which ended the season of 1868. The cribs were not finally completed until the 11th of December, 1869; that is, it required nearly a year beyond the period of extension to do the work, owing to the gross mismanagement and personal neglect throughout of Mr. A. P. Eyre.

I have the honor to be, sir, very respectfully, your obedient servant,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Brevet Major General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

HEADQUARTERS CORPS OF ENGINEERS,
Washington, February 5, 1868.

COLONEL: Your letter of the 4th instant is received.

Your recommendation that the time of the contract of Mr. A. P. Eyre, for timber, &c., and that of all the other contractors for materials and labor on the new piers at Marcus Hook, Pennsylvania, be extended, is approved.

You are authorized to fix the period of extension.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General of Engineers, Commanding.

Lieutenant Colonel C. S. STEWART,
Corps of Engineers, Philadelphia, Pennsylvania.

A true copy:

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, February 28, 1870.

SIR: I have the honor to acknowledge the reception of letter, from the office of the Chief of Engineers, of the 24th instant, forwarding petition of Abraham P. Eyre, contractor for building cribs for new piers at Marcus Hook, Pennsylvania, asking to be allowed a reasonable compensa-

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tion for losses sustained in performance of his contract, addressed to the Secretary of War, and referred to me for report.

At one time I believed the statement therein made with reference to the action of one Gennug, and the purchase of the available hemlock wharf-timber in the market, by other persons, to embarrass Mr. Eyre. That belief was based on his statement, and that such a proceeding was in keeping with what might be expected from contractors in general.

Now, after three years' experience, nearly, of the utter falsity in word and deed of Mr. Eyre, I don't believe anything he says, if it rests only on his word, and in a matter in which he was interested pecuniarily to any amount, I would not believe a statement made under oath by him.

As admitted in the petition, so far as duty would permit, what could be done was done to aid Mr. Eyre, and in the letter to the Chief of Engineers, of February 4, 1868, asking authority to grant an extension of time, I gave full credit for hinderances up to that time, in the way of completion of his contract, and smoothed over altogether too much his own disregard of instructions, his evasions, and his folly in conducting, or rather misconducting, his operations. His statement as to hemlock wharf-timber and bill-timber is not correct. The terms in advertisement were used after consultation with wharf-builders on the subject, and they understood perfectly what was required, and that the words "to work 10 inches least dimensions" were inserted to let all know that the timber required was to be of large size. Their bids were made understandingly. Mr. Eyre bid 13¼ cents per foot face; the others 15 and 16 cents. They, one or all, came and made inquiries as to all necessary points before sending in their proposals. Mr. Eyre did not, and never did, trouble himself, except to prevent another from getting the contracts until hauled up short for utter non-compliance with the stipulations, specifications, and plans, after contracts had been awarded and work begun under them. It is evident he undertook the whole with the intent, by some means or other, to defraud the United States or throw up the contracts, if he could not succeed. Early in the operations the sworn inspector complained to me of the undersize of timber and the inferior quality of work by unskilled labor. He was told then to hold Mr. Eyre to the specifications, and condemned timber. Mr. Eyre made an arrangement with Messrs. Garrison & Gillingham to furnish him timber at 12 cents per foot face. The inspector condemned this, as it would, or much of it, not show an edge over 4 inches, instead of 8, required by the written specifications. At Mr. Eyre's request I met him at Marcus Hook, and inspected this timber, which was of good quality, but, as stated above, about half the thickness required throughout. The inspector was necessarily sustained. Mr. Eyre notified Messrs. Garrison & Co. to stop sending timber. One of the firm came to me, and showed me, I am confident, either a written memorandum or order from Mr. Eyre to them to saw the timber to a smaller dimension than I required. This was confidential, and that I might know they were carrying out Mr. Eyre's instructions. On the 24th of this present month, Mr. Eyre, to whom I had recently stated this, brought me a written agreement made with Garrison & Gillingham in June, 1867, to furnish proper timber, or in general, to furnish it. I told him at once it was not the agreement to which I had referred. He protested he never had any other agreement with them on this subject. Later in the day I sent my clerk to Camden to clear up the matter, and see what the firm said as to my recollections. He met or saw Mr. Eyre returning from the Market-street ferry, and ascertained from a member of the firm (who, however, was not a member in 1867) that Mr. Eyre

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had just been there to get them to indorse in some way the paper he had shortly before shown me. This member was very cautious, but admitted that there had been a verbal agreement, at least, with Mr. Eyre to saw timber for smaller dimensions than those stated on the face of the written agreement; that the firm would not make the indorsement desired, and that Mr. Eyre had been told that if a true statement of the facts was made it would, they supposed, damage his case. Moreover, this person more than once said to the clerk, "The colonel's recollections are about right," in such a way as to lead the clerk to suppose I was wholly right in them. This firm has been changed once or twice since 1867, and no other member was in.

It is stated their timber was procured from a Mr. Robison, of Burlington, at a large price—19 cents per foot; and afterwards a claim for compensation for the difference between 13¼ cents and the bid next higher—15 cents—is made because "bill-timber" was required instead of "wharf-timber." Bill-timber was never required. But a small amount, comparatively, of the timber could have been procured at 19 cents, if any. At the end of 1867 not over 20,186 feet face, measured out of place, of timber, had been used for the incomplete crib. Mr. Robison's—or, as I have it in my memorandum, Mr. Roberts's—bill was $855.60; the number of feet not given. At the assumed rate—19 cents—this would give about 4,503 feet. The rest of the timber then used had cost 12 cents or less per foot only. The whole timber accepted for all the cribs from first to last was 84,471 feet and 11 inches. Now, because Mr. Eyre says he paid 19 cents for 4,503 feet, which I doubt, as I think at one time he told me he paid but 16 cents for it, he asks that he may receive 1¾ cents on nearly 80,000 feet as compensation for "bill-timber" never promised or asked for. I have been told by credible persons, or by a person, an expert in these purchases, that during 1868, the season when the timber for the three remaining cribs was purchased, probably to the extent of 50,000 or 60,000 feet, Mr. Eyre paid for it only 10 cents, or for a large portion of it not more than that rate per foot. What is still worse for his claim on timber is that I am positive, after some large payments for timber were made to him in 1868, nearly all required having been obtained, as he folded up the check or checks, he, with some exultation, incautiously, informed me he had then not only made up that year on timber for his losses on it the first season, but had made a profit on his contract for material. Now, with characteristic duplicity, he asks for compensation for this profit. He tells so many different stories, at different times, about one and the same thing, that it is no wonder he gets bewildered and forgets which he ought to stick to through thick and thin.

Mr. Eyre states he was put to great loss in hewing down timber to proper size. At his own suggestion, as the timber was on the spot and condemned for want of sufficient edge, and he did not wish to tow it back, he was told, if he chose to go to the expense of hewing it down, to help him, we would then accept it. He professed to give directions to have this done; what other instructions he gave behind my back I don't know. The inspector however reported that he could get very little hewn down; that Mr. Eyre's employés paid little attention to the matter. Upon examining the sworn accounts of timber of the inspector, I can find in all but 1,225 feet 7 inches face of hewn timber given, this measurement being made before the timber was reduced on the face. That he paid $3 per day and board I don't believe, for I have had to pay for wharf-builders, sent to Fort Delaware to work, but $3 per day, including their board and the profit asked on their daily services by their regular employer,

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who furnished them. Besides, Mr. Eyre employed much labor from Marcus Hook, and these men boarded themselves. His plea for serious loss for hewing down timber is false. It was his own choice, at any rate, if he did not lose so much thereby, and in keeping with his want of judgment throughout in employment of labor.

March 1, 1870.—This morning I am informed through an inspector that, in conversation with one of Mr. Eyre's foremen, while work was progressing at Marcus Hook, the latter told him *his wages* were $15 a week and board. From the workmen themselves he learned that before the cribs were sunk those men, who were sent down from Philadelphia by Mr. Eyre, received $2.50 per day and board; those hired at Marcus Hook received $2.50 per day without board. On tide work, the men from Philadelphia received (or were promised) $2 per day and board; those from Marcus Hook $10 per week only, except one, an expert workman, who received $12 per week. These rates correspond with those experienced wharf-builders have told me were paid for skilled workmen.

The loss and delay throughout were solely due to Mr. Eyre's attempts in the first place to cheat, and when foiled in that, to his utter personal neglect during the first season of his work.

For several months he did not go near the work, left a drunken foreman in charge, then sent a new foreman, who would persist in building on the crib after it had grounded in shore, so that it could not be got in position for more than a year afterward.

At or near the end of that season Mr. Eyre came to me, and, as I have been told is his custom, when he finds he cannot cheat under a contract, wished to give it up. I knew he was wealthy, and he so admitted, and told him he could not do so, even if he paid the difference between his bid and that of the next higher, for he was under bonds for a certain sum, and his bondsmen would have to do the work if he didn't. As his means were well known he couldn't plead poverty to his bondsmen, so he promised he would go on another season; and when told that the fault was his own, that he had not been near the work for months, he admitted it, and said he must hereafter look after the matter in person. The only energy he ever displayed was at the time timber was cheap, the next year, when he hurriedly brought up enough to enable him, as heretofore stated, to make a profit on that contract, after which he let matters slide again, so far as the management of labor was concerned, purposely, I have no doubt, in order to make it seem he lost heavily, and thus enable him to plead in an affecting manner ruinous losses, and the justice of compensation therefor, carefully keeping out of view that the loss was his own willful act. He does not fail to shed tears copiously, make a male Niobe of himself, a fountain of living waters, upon the slightest occasion, if he can make any money by it, and his words flow more easily than his tears. Having accomplished his ends tears disappear, smiles appear, and boasts to those outside of his success in "crying" money out of his victims.

A reference to extracts from notes of an inspector during 1867 will throw some light upon the operations of that year and of 1868. They are sent herewith, marked A.

The loading of piers, &c., complained of was done in accordance with understanding with Mr. Eyre, and to expedite the sinking of cribs, which was progressing so slowly as to threaten great delay. The stoppage of work, if any, was only that necessarily attendant on such constructions. At most it could, however, have amounted to very little, for only a small force was employed, and when not at one pier or crib it

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was employed on another. The cribs were severally sunk on June 24th, July 11th, July 25th, and October 21st, 1868.

On the 29th of July, as crib or pier 4 had not been built high enough, work was recommenced on it and continued as opportunity offered until August 27th, when cribs 2 and 3 having settled enough the work of throwing off stone was begun on them and leveling off for platforms, a short process, for on August 29th work on pier 4 was resumed. In October, while trying to get crib 1 in position, it seems on the 17th and 18th, they were waiting for stone to fill it, as but three men had shortly before been working, it is quite likely they were the only persons delayed. Inasmuch as Mr. Eyre delayed the stone contractor on the superstructure for about two years, he can hardly complain of that person for delaying him two days. The rip-rapping, costing him so much, consisted merely in throwing off the loading of small rubble-stone, and if his men were superintended in doing it, the work ought not to have cost him $25 per pier. It was part of his duty, at any rate, to throw off this stone.

Although two cribs were ready for work for upper platforms by the end of August, 1868, no platforms were put on until 1869, owing to Mr. Eyre's energy, skill, judgment, and experience, thus throwing back for another season all work dependent on his movements.

Mr. Eyre complains he had to take down solid crib-work at great expense, which he was not required by his contract to do; at least implies this. The facts are: the inspector has told me that Mr. Eyre wished to build the three first undertaken much higher, and it was with great difficulty he could be prevented by him from so doing; so that he was saved from additional unnecessary expense by the agent of the United States, instead of being put to expense. On crib No. 4, or pier 4, as he calls it, he went to the other extreme, and could not be induced to build it high enough. In his petition he admits he was delayed in putting a platform on pier 4, but does not give the true reason. The inspector, in December, 1868, or January, 1869, tried to get him to work on this crib and raise it higher, and also to repair damages made by a vessel which ran into it. He was asked to take advantage of the low tides during the winter when the weather was favorable, but would not. He was also written to on the subject, (see Nos. 9 and 10 of paper B. forwarded herewith;) and the same urged again upon his visiting this office in answer to the letters. My letter to Chief of Engineers of December 20, 1869, states some facts as to his duplicity at this time. Paper A also contains a table of tides and weather for January and February and March, 1869, until work may be said to have been resumed, which will give some idea of the valuable time then lost by Mr. Eyre. Had he obeyed the verbal and written instructions in regard to that pier, and worked in the mild, favorable weather of January and February, 1869, when tides served, instead of, as I am informed, doing tide-work elsewhere, he could have been saved a delay of several months in that pier, which was not completed until November 11, 1869.

His statement that the work done elsewhere was done when it was impossible to work at Marcus Hook, according to my information, is untrue.

The assertion that he can prove "that if the stone necessary to complete the piers had been ready, he could, months before, had several of them completed," is not in accordance with common sense; for he states, on last page, referring to the stone-contractors, that there are "others engaged on other parts of the work, unconnected, however, with his own contract." What influence the absence or presence of the super-

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structure could have on the wood-work for substructure, either to aid or impede in his work, is not seen. By the assertion he merely admits, had he chosen, he could have completed the piers months sooner than he did, which is a fact long known to others.

The impression intended to be made by the statement, in general terms, about the piers, that "after being made ready they remained several weeks and months waiting for arrival of stone," is erroneous. The piers were completed one by one. The first was completed about the middle of June, 1869, and a second by the end of the same month. So soon as it was certain everything was ready, the stone-contractor and the one for labor on superstructure were notified. After delay in getting a vessel, one course of stone was received at Marcus Hook July 29 or 30, following, and laid in August. During that month a third platform was made ready and a course of stone received on second platform. During October a third course was received on third platform. November 1 a fourth course was received, belonging to the second tier of stones, and placed on previous course. Finally, after four courses of the superstructure had been laid on the other piers, the fourth platform was completed November 11, 1869, by Mr. Eyre. It was almost immediately run into by a vessel and damaged. Yet, in December 6, over half of a course of stones was received on that platform; the remainder being received in January, 1870. The piers, therefore, after they were made, did not wait very long for the stone.

The allegation that the stone-contractor never quarried more than "three isolated pieces of stone from first to last" is in keeping with the rest of the petition. On the 7th of October, 1867, I inspected the quarries of the person referred to, and there saw several stones that had been quarried for the piers, and some sixty or seventy were then quarried or soon after. At the time Mr. Eyre dated his petition, some ten cut stones from these quarries were in the piers at Marcus Hook. The whole difficulty with stone is Mr. Eyre's fault. At the time of my inspection of the quarry in 1867, the contractor told me, or soon after, that as Mr. Eyre could not get the piers ready anyhow (for it was well known the only one that had been begun was hard aground, and had been for some time) until well into the next season, it would be imprudent to go ahead and quarry and cut stone, and wait for a year or two for payment, as the stones were only to be paid for on delivery at Marcus Hook, and they could not be received there by the other contractor except at great cost, until the piers were ready for them. He added he had not the capital to do this. He began to quarry early in 1867, and in 1868, about August, when it was supposed Mr. Eyre would put on some platforms, began cutting stone. The inaction, thereafter, of Mr. Eyre, showed clearly no stone could be laid before the third season, so the cutting stone was stopped. In the mean time the increase in wages of stone-cutters had been so great that he became involved. He, however, arranged with another quarryman to aid him, and during the winter four courses were nearly made ready, each consisting of upward of 40 stones. The contractor for laying superstructure was also, in 1867, embarrassed by Mr. Eyre's delay and promises. His agent, on the strength of these, went to considerable expense, it is said, in preparation, and upon arriving at Marcus Hook and seeing the state of things, and that there was no hope of doing anything, in disgust threw up his engagements.

Owing to Mr. Eyre's misconduct, and the delay caused thereby, it will now cost some $4,000 or $5,000 additional to procure the stone for superstructure; that is, in excess of contract price. It has cost the United

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States, in payment of inspector's office expenses, &c., to wait upon his movements and watch him, for the past year, after the expiration of his extended time, which was the end of the season of 1868, some $2,800. These expenses were necessary, as it would not do to trust him, he requiring incessant watching. He has not hesitated, as experience has proven, in addition to falsehood, to resort to fraud to accomplish his ends.

As to his desire for settlement and the alleged retaining of his pay, simply because others have not performed their contracts, &c., it will be seen, by referring to paper B 12, that after a thorough revision and calculation of the amounts of timber furnished and work done by him had been made in this office, he was written to for that end.

After receiving that letter, he came to this office, but would not sign the papers; was in no hurry; would wait, &c. I am inclined to think he would rather wait, for now he tells his creditors money is due him from the United States; that when he gets that he will pay them, &c.; in the mean time pays nothing. More than one gentleman has called on the subject—to find out how the matter was—and one, at least, said he understood exactly, but the case was very different from Mr. Eyre's representation of it to him.

To sum up, his statements as to timber, and error in advertising therefor, and his conversations with me are incorrect, to say the least. If he can be believed at all, he made a profit on his contract for timber. He needs no compensation on that score.

His claims for building up, or rather tearing down, crib-work, rip-rapping, hewing down timber, &c., are not well founded. If they had been just, their amount, pecuniarily, would have been a trifle—not worth considering.

Those relating to contractor for stone superstructure did not affect his work; moreover, are untrue, and in making them he virtually condemns himself by admitting he could have hastened the completion of the cribs by several months had he chosen so to do. His claims for compensation on account of delays, tides being unfavorable and subjecting him to great expense, have no just foundation, the loss being the result of his own wrong.

By examination of paper B it will be seen that from the beginning Mr. Eyre was in fault and kept so.

His loss on labor is the direct consequence of his own faithlessness, want of judgment, inattention to the proper administration of his work, and willful disregard of advice and orders. His action has made him a by-word and a laughing-stock to others. In the case of pier 4, particularly, he would exercise his own skill, judgment, and experience, and now rues the consequences. By a penny-wise and pound-foolish policy, from beginning to end, he would send a boy to the mill when he should have sent a man. Instead, when tides were running favorably, of having a force at hand to work on all piers at once, he would potter away for months with, perhaps, four men. Especially in laying the platforms, months of delay would have been avoided; for, with a proper force, all the platforms could have been put on in three or four good tides, but, by only working in driblets, several tides were wasted on one pier.

It has been a weary task to try to hold Mr. Eyre to his contracts, whether for material or labor. He has tried threats, brow-beating, tears in his eyes, wheedling, intimation of pecuniary rewards, falsehood, and nearly everything mean and despicable to beat or force, not only the inspector, but myself, to commit ourselves, in some way, to him that he

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might cheat the United States with impunity. He richly deserves heavy losses.

Whatever energy, skill, and judgment Mr. Eyre may have once possessed, he most assuredly has failed to exhibit them in a proper way on the work he contracted for at Marcus Hook.

He not only merits no compensation whatever, but should, if practicable, be made to forfeit more than the contracts call for, on account of his failure, time and again, to comply with stipulations as to time, extended time, and as to instructions, whether given by myself or the inspector, and his attempt at fraud.

I, therefore, protest against paying any attention to the claims urged in the petition. They are not well founded, being little else than afterthoughts magnified and falsified to the utmost, in an endeavor thereby to defraud the United States.*

The petition is returned herewith. There are in all three accompanying papers.

I have the honor to be, sir, very respectfully, your obedient servant,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Brevet Major General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

B.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, September 18, 1867.

SIR: Yesterday, upon visiting Marcus Hook to ascertain the progress made there on the wharves under repair, and also on the cribs under contract with you, it was ascertained no work was doing on the latter. One crib partly constructed was moored in the stream. No workman of your party, so far as could be found out, was present, and Mr. Shuster, the inspector, &c., for the United States, informed me that the last work done on the crib was on or about the 5th or 7th of this month.

You have now been nearly two months and a half at work, not even one crib finished and in position.

Three more cribs are to be constructed by you under the contract, and all are to be in place and properly completed by January 1, 1868. Other contractors, unless you hasten your movements, will be delayed in their operations, and should injury to them follow through your fault, there may be claims for damages on you and your sureties. I wish to know whether you intend complying with your contract or not, that proper steps may be taken under the authority of the War Department if you do not.

You are requested to inform me, as soon as practicable, of your intentions as to carrying on the work for which you have contracted, and for which you are under bonds to the amount in all of $14,000.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Mr. ABRAHAM P. EYRE,
422 *Richmond Street, Philadelphia.*

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* See letter of E. P. Eyre to Secretary of War, February 7, 1870.

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UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, October 14, 1867.

SIR: A letter has this day been received from Mr. Shuster, United States agent at Marcus Hook, stating he had accepted the timber sent by you. He thinks something must be wrong as to your men, that they do not work; he says, "They hardly progress," and adds, "They are certainly trifling with some one."

I send this for your information, for I do not suppose Mr. Shuster would write thus unless the facts were so. His interest, if he was unprincipled, would be to have the work spun out for as long a time as possible, not to have it hurried up. But as I have good reason to believe him a faithful man, it would be well for you to examine, for your own interest, into the matter, if you are not already acquainted with the facts.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Mr. ABRAHAM P. EYRE,
422 *Richmond Street, Philadelphia.*

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, November 2, 1867.

SIR: On the 14th of October last a letter was sent to your address, informing you that it was reported by the United States inspector at Marcus Hook that your men made hardly any progress in the work you have contracted to do at that place for the United States. The agent also stated that your men were certainly trifling with some one.

The same inspector and agent writes me under date of November 1, 1867: "The work on the crib is not progressing at all. Mr. Eyre's agent left here on Friday last on business, and has not yet returned; it is not on account of timber, as I have stated to you before; they are trifling with the work."

This action or inaction needs explanation. You have now been about four months nominally at work, for one crib is not yet sunk in position. Three more and this one to be completed and in position according to the terms of your contract by the 1st day of January, 1868. I wish you to state at once what your intentions are, that a proper representation of the case may be made to the Department at Washington for its action.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

ABRAHAM P. EYRE, Esq.,
422 *Richmond Street, Philadelphia.*

UNITED STATES ENGINEER OFFICE,
Philadelphia, December 26, 1867.

SIR: * * * * * * *

While giving you the notification, I take this opportunity of asking you for immediate information as to what your intentions are with refer-

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ence to the cribs and the work thereon, which you contracted to construct.

Yours, respectfully,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Mr. ABRAHAM P. EYRE,
Montgomeryville, Montgomery County, Pennsylvania.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, March 17, 1868.

SIR: Mr. Shuster informs me that the state of the weather and river is now such that it is advisable to take steps to remove the crib at Marcus Hook to its place.

* * * * * * *

Work should be resumed as soon as practicable, as all others depend upon the progress of your part of the job, in going on with their portion.

It will be cheaper in the end to use certain means to move the crib, without injury to it, than to try and fail in using uncertain and cheaper (seemingly) methods.

I hope to hear that you are at work again before many days.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

ABRAHAM P. EYRE,
Montgomeryville, Pennsylvania.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, April 28, 1868.

SIR: Upon inspecting work at Marcus Hook yesterday I was rather surprised to find no one there at work for you, and apparently no preparations made for work, other than some lumber there, and no one to look out for it. Nor had much of anything been done toward moving the unfinished crib, as all that could be seen was perhaps some two cubic yards of stone that had been fished out.

From your representations it was supposed work had begun in earnest, and, depending on them, I recently applied for money for the work, stating operations had been resumed and the money would be needed.

Every day now lost will throw the completion of the cribs back, and, at best, it will be months before they can be put in place. All the delay subjects me to censure by the War Department for not prosecuting the work vigorously, and will make trouble for yourself. I now call your attention seriously to this matter, and request you will begin at once and carry the work to as rapid a conclusion as is consistent with proper workmanship, and the requisite strength and solidity.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

ABRAHAM P. EYRE, Esq.,
422 Richmond Street, Philadelphia.

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UNITED STATES ENGINEER OFFICE,
Philadelphia, May 2, 1868.

SIR: * * * * * * * * *
It will also be necessary, unless you speedily resume work, for the United States to hire labor and purchase materials and machinery, and do the work contracted for by days' work, bringing suit against you and your sureties for all expenses thus incurred.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

ABRAHAM P. EYRE, Esq.,
Philadelphia, Pennsylvania.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, August 19, 1868.

SIR: I am informed by the United States agent at Marcus Hook that some unsuccessful attempts were made to move the crib you built last year, and which grounded then, but that nothing has now been done for a long time, and that he has not seen you for many days, and does not know what you intend doing.

It is necessary that the crib referred to should be moved at once, or taken apart to remove the obstruction it now forms, and a new one built and sunk in the proper position as soon as practicable.

There has been a great deal of delay with that crib, which might have been avoided had proper means been taken at first to move it. You will please notify me at once what you are going to do in the matter.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

ABRAHAM P. EYRE, Esq.,
422 *Richmond Street, Philadelphia.*

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, December 28, 1868.

SIR: I have this day received from Mr. Shuster, United States agent at Marcus Hook, a letter dated December 26, stating that, on the 22d instant, (Tuesday last,) he wrote you that the cribs were very improperly fendered and protected against the floating ice, and that you had better take some action toward their safety, but that he had not heard from you.

He also writes in regard to crib 4, "and find the crib will have to have another course of timber built in it for certain, and if the weather becomes any way warm, and the river clear of ice, it should be done, so it could be filled with stone." * * * * *

You will please have the matters attended to. Very often, about the 1st of January, there are several mild days, and advantage should be taken of such to do the work needed. * * * *

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Mr. ABRAHAM P. EYRE,
339 *Walnut Street, Philadelphia, Pennsylvania.*

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UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, January 19, 1869.

SIR: In my letter to you, under date of December 28, 1868, you were requested to attend to having a new course of timber put on crib No. 4, and to take advantage of the mild weather, which frequently occurs about the 1st of January, to have this done. For more than two weeks the weather has been good, and I am informed the tides have been favorable, but you have not followed out the instructions given. The inspector at Marcus Hook has written you two or three times upon the subject, and you have done nothing. By your contract you are to do this work in accordance with the instructions you shall receive from the engineer officer in charge, or his agents, and yet you are paying no attention to these instructions. For the last time I call upon you to carry out the instructions given you at once, before reporting your conduct to the Department, and requesting authority to take legal measures against you and your bondsmen; and also that all other officers or agents in the employ of the Department may be directed not to employ you hereafter in the construction of any works in their charge. * * *

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Mr. ABRAHAM P. EYRE,
339 *Walnut Street, Philadelphia, Pennsylvania.*

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, June 18, 1869.

SIR: Yesterday Mr. Valentine, my assistant, was sent to Marcus Hook to examine cribs and take levels. He reports that nothing has been done towards putting in the platforms of the two outer cribs; that there is no fit timber there for the purpose; that but four men are at work, where there should be a large force to do anything, and that the men there would not finish them this season or this year; that the tides were favorable.

In a word, from his report, you are and have been utterly neglecting your work. Unless a proper force is at once put to work, and timber furnished, it is clear it will be necessary to obtain authority to have the work done at the direct expense of the United States, and have suit brought against your sureties for damages to the United States, resulting from your failure to fulfill your contracts.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Mr. ABRAHAM P. EYRE,
Philadelphia, Pennsylvania.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, December 30, 1869.

SIR: As you have been informed already, it is believed, by your attorney, Mr. J. Warren Coulston, I am now ready to pay the balance due you for timber and labor furnished for the four cribs for new piers, at

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Marcus Hook, Pennsylvania, under your agreements with the United States, under date of July 13, 1867.

Your account stands as follows, viz:

Timber:

Total number accepted.....	84,471 feet 11 inches face, at 13½ cents....		$11,192 53
Deduct 20 per cent. retained....	16,894 feet 4⅔ inches face, at 13½ cents....		2,238 51
	67,577 feet 6⅔ inches face, at 13½ cents....		8,954 02
Paid for heretofore, in 1868.....	56,138 feet face, at 13½ cents....		7,438 29
Now due you for.....	11,439 feet 6⅔ inches face, at 13½ cents....		1,515 74

Labor:

Total labor accepted on.....	79,570 feet 9 inches face, in place, at 5 cts.		$3,978 54
Deduct 20 per cent. retained....	15,914 feet 1⅔ inches face, in place, at 5 cts.		795 71
	63,656 feet 7⅓ inches face, in place, at 5 cts.		3,182 83
Paid for heretofore, in 1868.....	54,035 feet face, in place, at 5 cts.		2,701 75
Now due you on labor on.....	9,621 feet 7⅓ inches face, in place, at 5 cts.		481 08

Summary:

Now due you on timber.....	$1,515 74
Now due you on labor.....	481 08
Total now due you.....	1,996 82
Forfeited on timber, 20 per cent.....	$2,238 51
Forfeited on labor, 20 per cent.....	795 71
Total forfeited, 20 per cent. retained.....	3,034 22

This sum you have forfeited under your contracts.

You have not complied with the stipulations as to time, even extended time, by nearly a year, for by your contract you were to have finished by the 1st of January, 1868, and although last year I gave you, by authority, all the time you then asked, you did not finish until on or about the 11th of November, 1869, about eleven months beyond your extended time. Nor have you obeyed instructions given you, but have taken your own time, to the injury of the United States. The damages that have ensued on account of your carelessness and willfulness, and that will yet result therefrom to the public service, will not near be covered by the amount you have justly forfeited under your contracts. The amount forfeited I have no power to pay, and it has been a matter of serious doubt whether, considering the loss to the United States due to your action, or rather inaction, I am justified in paying you a cent. But as some days since a statement of the case was forwarded to the Chief of Engineers, in accordance with what was told you should be my action, and he was informed I should pay you the $1,996.82 unless otherwise ordered, and the receipt of the letter has been duly acknowledged without any orders on that point, I am ready, as already stated, to pay you that sum, and no more, whenever you choose to sign the proper vouchers. The longer you wait the greater your loss.

Yours, &c.,

C. SEAFORTH STEWART,
Lieutenant Colonel of Engineers.

Mr. ABRAHAM P. EYRE.

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Extracts from diary of A. P. Eyre's work, kept by United States inspector.

Commenced July 16, 1867. August 5. Crib No. 1 built up to first platform, which is 8 feet from bottom. 15th. Compelled to notify Mr. Eyre his timber too small. Nothing more done until the 26th. 28th. Notified Mr. Eyre work was not performed in a mechanical way, and if continued would not be paid for. September 5. Run out of timber. October 3. Received timber. 7th. Resumed work. Nothing more done until the 16th; cause, foreman drunk and no one to take charge of men. From 16th to 25th work progressed favorably. Nothing more done until the 7th of November; no foreman. 5th. The crib grounded. 7th. A new foreman came to take charge of work, and commenced building upon crib No. 1 while aground, which caused a great expense to Mr. Eyre. Several attempts made to raise the crib, but to no purpose. December 3. The last effort to raise crib, but to no purpose. Mr. Eyre closed his work for the year 1867 the 10th December.

Resumed work May 11, 1868. Plenty timber, and work progressing favorably. All of the cribs under way at one time. Sunk crib No. 2 June 24; crib 3, July 11; crib 4, July 25. No. 1 remains to be sunk. July 29. Building on crib No. 4. August 4, 7, 11, 14, 18, 21, 25, 29. Building on crib 4. August 26. Cribs No. 2 and 3 filled with stone sufficient to be brought to hard bottom August 27. Commenced throwing stone off of cribs 2 and 3 and leveling for platforms. Crib 4 was sunk with four loads of stone with the expectation of building upon, while sinking to hard bottom, 3 feet of timber, its required height. September 9, 11, 14, 17. Worked on crib 4. 17th, 18th, 19th, 21st, 22d. Trying to raise crib No. 1. October 6. Moved crib 1 nearly to position and dropped it. 7th. Working alternately upon cribs. 8th. Nothing done. 9th. Three men work on crib No. 3. 10th. Nothing done. 12th. Nothing done; no men. 13th. Election day; nothing done. 14th and 15th. Rained. 16th and 17th. Waiting for stone. 18th. Sunday. 19th. Nothing done. 20th, 21st. Sinking crib No. 1. 21st. Finished sinking crib No. 1. 22d. Nothing done upon works; cleaning up. 23d. Worked upon inside upper crib, &c.

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Hours of low water; time of tides in January, February, and to March 11, 1869.

1869.			h. m.
Jan.	1	Rained	10 44
	2	Sleety, soft weather	11 30
	3	Sleety, soft weather	12 25
	4	Sleety, soft weather	1 00
	5	Clear and warm	2 00
	6	Could have worked	3 08
	7	Could have worked	4 1[illegible]
	8	Could have worked	5 00
	9	Could have worked	6 06
	10	Could have worked	6 56
	11	Could have worked	7 46
	12	Could have worked, (foreman came down.)	8 30
	13	Could have worked	9 06
	14	Could have worked	9 56
	15	Rained	10 48
	16	Could have worked	12 00
	17	Could have worked	12 50
	18	Stormed	1 15
	19	Could have worked	2 20
	20	Could have worked	3 15
	21	Could have worked	4 15
	22	Could have worked	5 30
	23	Could have worked	6 15
	24	Could have worked	7 08
	25	Very cold	8 00
	26	Very cold	8 50
	27	Very cold	9 40
	28	Could have worked	10 20
	29	Two men worked	11 06
	30	Could have worked	1 00
	31	Warm; could have worked	1 45
Feb.	1	Clear and cool	11 50
	2	Could have worked	12 35
	3	Stormed	1 24
	4	Three men worked	2 22
	5	Clear and cool	3 30
	6	Clear and cool	3 00
	7	Clear and warm	4 00

1869.			h. m.
Feb.	8	Clear and warm	5 00
	9	Raining	5 49
	10	Raining	7 36
	11	Clear and warm	8 20
	12	Clear and warm	9 [illegible]
	13	Clear and warm; could have worked.	9 [illegible]
	14	Clear and warm; could have worked.	9 [illegible]
	15	Clear and warm; could have worked.	10 44
	16	Clear and warm; could have worked.	11 [illegible]
	17	Clear and warm; could have worked.	12 [illegible]
	18	Clear and warm; could have worked.	1 [illegible]
	19	Snowed in morning	2 [illegible]
	20	Clear and warm	3 [illegible]
	21	Sunday	[illegible]
	22	Could have worked	4 [illegible]
	23	Rained	5 [illegible]
	24	Clear and cold	6 [illegible]
	25	Clear and warm	7 [illegible]
	26	Snowed	7 [illegible]
	27	Clear and cold	8 [illegible]
	28	Sunday	7 [illegible]
Mar.	1	Clear and warm	10 [illegible]
	2	Clear and warm	11 [illegible]
	3	Clear and warm	12 [illegible]
	4	Snowed	12 [illegible]
	5	Clear and cold	1 [illegible]
	6	Cold and windy	3 [illegible]
	7	Sunday; clear and cold	4 [illegible]
	8	Clear and cold	5 [illegible]
	9	Clear and pleasant	5 [illegible]
	10	Rained and blustery	6 [illegible]
	11	Worked three men	7 [illegible]

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, June 10, 1870.

GENERAL: In reply to your letter of 31st May, on the subject of Mr. Eyre's contract, I have the honor to report as follows:

First. The following additional expense was caused to the United States by the failure of Mr. Eyre to complete his contract within the extended time, the season of 1868, viz:

Pay of two inspectors, half of December, 1868	$108 50
Pay of two inspectors and half time of clerk for January, 1869	262 00
Pay of two inspectors and half time of clerk for February, 1869	238 00
Pay of two inspectors and half time of clerk for March, 1869	262 00
Pay of two inspectors and half time of clerk for April, 1869	255 00
Pay of two inspectors and half time of clerk for May, 1869	262 00
Pay of two inspectors and half time of clerk, and assistant engineer twelve days, for June, 1869	312 00
Pay of two inspectors and half time of clerk for July, 1869	262 00
Pay of two inspectors and half time of clerk for August, 1869	259 00
Pay of two inspectors and half time of clerk for September, 1869	255 00
Pay of two inspectors and half time of clerk for October, 1869	262 00
Pay of two inspectors for eleven days each for November, 1869	77 00
	2,814 50

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These amounts are taken from the vouchers of Marcus Hook for the months stated.

2d. To this amount should be added a share of the office expenses for the time stated, viz: One-third share of office expenses, rent, stationery, &c., $412.46, these expenses having been actually charged to other works.

3d. Equitably Mr. Eyre is chargeable also with the following expenses incurred by the United States in consequence of allowing him the first extension of his contract, viz:

(These amounts are taken from the vouchers of Marcus Hook for the year 1868.)

Pay of one inspector for January, 1868	$108 50
Pay of one inspector for February, 1868	101 50
Pay of one inspector for March, 1868	108 50
Pay of one inspector for April, 1868	105 00
Pay of one inspector for May, 1868	108 50
Pay of two inspectors (30+10) and half time of clerk for June, 1868	185 00
Pay of two inspectors (30+10) and half time of clerk for July, 1868	262 00
Pay of two inspectors (30+10) and half time of clerk for August, 1868	262 00
Pay of two inspectors (30+10) and half time of clerk for September, 1868	255 00
Five visits of stone inspector, from Chester to Port Deposit, Maryland, and return, to inspect stone, at $5	25 00
Pay of two inspectors and half time of clerk for October, 1868.	262 00
Pay of two inspectors and half time of clerk for Novem'r, 1868.	255 00
Pay of two inspectors and half time of clerk for Decem'r, 1868.	153 50
Total	2,191 50

4th. Add a share of the office expenses for 1868, viz, $260.46.

5th. In consequence of his delays the United States were obliged to make new contracts for the supply of stone for the superstructure of the piers, at prices differing from those in the first contracts. These prices produce a loss to the United States—

For face and paving stone, of	$5,449 00
And a gain to the United States for rubble backing-stone of.	2,099 28
Resulting in a loss to the United States of	3,349 72

Besides these injuries to the United States, the other contractors, whose operations were depending upon Mr. Eyre, have suffered to a greater or less extent.

To recapitulate:

The additional expense caused to the United States by the failure of Mr. Eyre to complete his contract within the extended time is	$2,814 50
Other expenses to the United States, occasioned by his delays, amount to	2,864 42
Rise of prices of materials during the two years' delay amount to	3,349 72

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Colonel Stewart, in his letter of December 30, 1869, notified Mr. Eyre that he was ready to pay him $1,996.82, the amount due him as the balance remaining unpaid of the 80 per cent. specified in his contracts. The whole 20 per cent. being forfeited, Mr. Eyre would not take this. After Colonel Stewart left for California, Mr. Eyre called at this office. I told him he should have settled his business before Colonel Stewart left; that I would not make him any payment without orders. He expressed his unwillingness to receive the amount Colonel Stewart offered him as a settlement.

In view of all the facts, I think that the United States should not pay him anything until the piers are entirely completed, and that even then he should be left to establish his claim by legal proceedings.

Very respectfully, your obedient servant,

J. D. KURTZ,
Lieutenant Colonel of Engineers, Brevet Colonel, U. S. A.

[Circular.]

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., November 25, 1870.

The following digest of the opinions of the Attorney General, in relation to contracts, are published for the information and guidance of officers of the Corps of Engineers, and it is expected that the principles therein set forth will be rigidly adhered to.

By command of Brigadier General Humphreys.

JNO. LINCOLN CURRY,
Major of Engineers.

Where an assignee of a Government contract to build a fortification executes a bond to the Government, with sureties, conditioned that he fulfill the original contract, he and his sureties are as much bound to the performance of the original contract as they would be in the case of a contract wholly original.—*Opinion Attorney General, October* 17, 1820, *page* 402, *vol. I.*

Where the public exigencies do not require the immediate delivery of the articles, or performance of the service, it is necessary to advertise previously for proposals respecting the same.

Where immediate delivery is necessary to the wants of the public service, the articles required must be obtained by open purchase, *i. e.*, at places where articles of the description wanted are usually bought and sold, and in the mode in which such purchases are ordinarily made between individuals.—*Opinion A. G., August* 29, 1829, *p.* 257, *vol. II.*

Where a contractor with the Government to deliver a certain quantity of timber by a time specified failed in respect to the time, and suffered a forfeiture of 10 per cent. thereby, which the Fourth Auditor and Second Comptroller retained from his account, it cannot be refunded to the contractor except by authority of Congress.

When such contracts have been made, the rights of the parties under them become at once vested, and it is not in the power of the agents to modify or release them.

In settling the accounts and ascertaining the balance, the accounting officers must be guided by the instrument itself. Neither the

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Auditor or Comptroller can absolve contractors from any of the stipulations contained in their contracts, however severely they may be supposed to bear upon them.—*Opinion A. G., December* 14, 1831, *p.* 480, *vol. II.*

Since the act of 3d of March 1843, the Secretary of the Navy is not competent to renew a contract which has expired, without advertising, as is required by the first section of that act; nor is it competent for the Department to pay to the contractors, upon forfeited contracts, the 10 per cent., reserved as collateral security, whether the same has been reserved on original or renewed contracts.—*Opinion A. G., November* 11, 1843, *p.* 283, *vol. IV.*

The Navy Department has not the right, under the act of the 3d of March, 1843, in awarding the contract to the lowest bidder, to modify its terms in regard to the time of delivery, or any other of its material elements.*—*Opinion A. G., September* 24, 1844, *p.* 334, *vol. IV.*

The contract of the Navy Agent at New York, with the Messrs. Benson, for piles for the dry-dock at Brooklyn, to be delivered after Congress should make further appropriations, is not valid or binding on the Department.—*Opinion A. G., April* 25, 1846, *p.* 490, *vol. IV.*

Neither the Secretary of the Navy, nor of any other executive department, can lawfully contract for the United States, except under a law authorizing it, or making an appropriation adequate to fulfill the engagement.

Wherefore, the Secretary of the Navy cannot lawfully contract for the construction of the dry-docks at Kittery, Philadelphia, and Pensacola, and bind the Government to pay therefor an amount exceeding the appropriations already made for that object, as the same has not been specially authorized.

But as the works for which the appropriations are made are important, and as it is expedient that the construction thereof should progress so far forth as may be practicable, the Secretary of the Navy may expend so much for the appropriation as may be necessary in purchasing sites and materials, with a view to their completion under the future direction of Congress.—*Opinion A. G., July* 12, 1847, *p.* 600, *vol. IV.*

It is competent for the Government to assent to the substitution of new parties to contract with the United States, in order that the original stipulation may be carried out.

But it is not competent for contractors to make transfers without the consent of the Government.—*Opinion A. G., September* 20, 1821, *p.* 738 *vol. V, Appendix.*

Contractors with the Government may transfer with the assent of Government, and when such transfers are made and assented to, the assignees take the place of the original party.—*Opinion A. G., January* 24, 1823, *p.* 747, *vol. V, Appendix.*

The distinction in the administrative law of the United States between purchase in open market and by contract discussed and defined.

The law requires that executory contracts for supplies and material for the Departments shall be duly advertised.

The invalidity of the contract of the Navy Department with Spratt, for hemp, reaffirmed.—*Opinion A. G., September* 5, 1853, *p.* 99, *vol. VI.*

If the provisions of law, which require certain contracts to be advertised, are disregarded, that the contracts while they remain executory,

* See opinion October 25, 1858.

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and without commencement of performance, are subject to be rescinded.—*Opinion A. G., March* 24, 1854, *p.* 406, *vol. VI.*

When a commissioned officer, or other agent of the United States, makes a contract with any person for their use and benefit, and with due authority of law, such officer or other public agent is not responsible to the party, whose only remedy is against the Government.

But in making contracts with any one claiming to act for the Government, it is the duty of the party contracting to inquire as to the authority of such agent or officer; without which it is doubtful whether the contract affects the Government.

If a public officer, however, make a Government contract without authority, and which, therefore, does not bind the Government, such officer is himself personally responsible to the contracting party.

But a public officer or other agent, though not contracting for the Government, if he see fit, may make himself the responsible party, either exclusively or in addition to the Government.—*Opinion A. G., April* 10, 1855, *p.* 88, *vol. VII.*

By the act of May 1, 1820, the power of the executive departments is so limited that they can bind the Government only in two cases; where the contract is expressly authorized by law, and where there is an appropriation already made large enough to fulfill it.

In the first place there is an express power to contract for the work; in the second, there is an implied power to contract for so much work as the appropriation will pay for.

If, therefore, Congress appropriates a certain sum to be expended by the Secretary of War for the improvement of a river, the Secretary exceeds his power when he makes a contract for more work than the appropriation will pay.

In such case, after the appropriation is exhausted, the contract is at an end.

If another appropriation is made, there must be a new contract for its expenditure.—*Opinion A. G., April* 16, 1857, *p.* 18, *vol. IX.*

The power of an executive department to impose fines and forfeitures upon their contractors is derived solely from the agreement to that effect in the contracts.—*Opinion A. G., June* 4, 1857, *p.* 32, *vol. IX.*

The Secretary of the Treasury has no legal authority to relieve a contractor on the Washington Aqueduct from a bad bargain, either by rescinding the contract or by paying him a higher price for his labor than what he agreed to take.

The power vested in the head of an executive department to make contract for work or materials does not imply the power to rescind or alter such contracts when made.—*Opinion A. G., September* 5, 1857, *vol. IX, p.* 81.

Where a building contract provided that nine-tenths of the value of the work done and materials furnished should be paid from time to time, as the work progressed, it was held that, by the terms of the contract, the actual value of the work done and materials furnished should be estimated, and not a sum bearing to that value the ratio of the contract price for the whole work to the estimated actual cost of the same.—*Opinion A. G., September* 30, 1858, *vol. IX, p.* 194.

Where, by a contract to deliver iron pipes to the Government, it was stipulated that the delivery should be completed on March 1, 1858; that ten per cent. of the price should be retained until the completion of the contract, and that the Government might, at any time, for delay or non-compliance with the agreement, declare it forfeited, it was held that the failure of the contractors to deliver all the pipes by the time indi-

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cated did not work a forfeiture of the money reserved, when the Government continued to receive the pipes after the time limited for the completion of the delivery.*—*Opinion A. G., October* 25, 1858, *vol. IX, p.* 210.

A contract for surveying the reservations under a contract with the Pottawatomie Indians of April 15, 1862, is a contract for "personal services," and, therefore, may be made without previous advertisement for proposals, under the tenth section of the act of March 2, 1862.—*Opinion A. G., May* 23, 1862, *vol. X, p.* 261.

WAR DEPARTMENT,
BUREAU OF MILITARY JUSTICE,
December 12, 1870.

In the case of the within claim of A. P. Eyre, contractor, I have the honor to submit it as my opinion that the reserved one-fifth of the compensation of Eyre, under the contracts, has been legally forfeited to the United States.

The clause in the contracts in regard to the forfeiture is as follows:

"That in case of the failure of the party of the second part to comply with each and every stipulation of this contract, then the said reserved one-fifth," (that is, the one-fifth agreed in the preceding clause, not to be payable till the completion of the work, &c.,) "is to be forfeited to the United States."

This forfeiture is absolute and final, upon the non-performance, by Eyre, of any stipulation in the contracts. The case is not like "Starr's case," (IX Opinions of Attorney General, 210,) referred to by the Chief of Engineers, because there the forfeiture was conditioned upon the agreement being formally declared to be forfeited by the representative of the Government; and it was held that as that officer had not proceeded to declare it forfeited, upon the original term of the contract having expired, but had gone on and accepted a performance at a later date, the right to forfeiture had been revived.

In this opinion the Attorney General, (Mr. Black,) expressly distinguishes the case of Starr from that of "Grice," (II Opinions, 480,) also referred to by the Chief of Engineers, in which the execution of the forfeiture was made absolute upon the non-performance of the contract "within the time stipulated."

The present case is thus similar to that of Grice; is indeed a stronger case of the class, inasmuch as it is not only upon failure as to the time, but failure as to any other element of the bargain, that the forfeiture is agreed to become executed and absolute. And it is clear, from the full and able statement of the matter by Colonels Stewart and Kurtz, that there was a failure by Eyre in nearly all, if not in all, of the terms of the contracts.

The question whether the forfeiture has vested, being understood to be the only one raised in the communication of the Chief of Engineers to the Secretary of War, of the 8th instant, and now referred to this Bureau, I have, therefore, to report that, in my judgment, the balance due upon the contracts, less the 20 per cent. forfeited, is alone payable to Eyre, and to advise that, if he will not accept this amount, he be left to prosecute his claim outside of this Department.

J. HOLT,
Judge Advocate General.

To the SECRETARY OF WAR.

* See Digest of Decisions of Second Comptroller, page 79, section 556.

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CAMDEN, NEW JERSEY, *December* 29, 1870.

SIR: In the matter of Abraham P. Eyre, who claims of the United States Government for work done, under contract with the War Department, the sum of $5,031.04 for building ice-cribs at Marcus Hook, in the river Delaware, it has been decided upon legal points, by Judge Advocate General, that said Abraham P. Eyre has forfeited 20 per cent. of his whole contract price for doing said work, for failure to comply with condition of said contract; and that the balance due to him, less 20 per cent. as aforesaid, amounts to the sum of $1,996.82, and this alone should be paid.

As attorney of the said Abraham P. Eyre, and acting for him in this behalf, I desire most respectfully to appeal from this decision of the Judge Advocate General, and to ask that this matter may be reconsidered and acted upon. The claimant admits that the terms of his contract were not fully complied with, but that it was utterly impossible to obtain timber to carry out the work; and he admits that said work was not finished within the time extended to him by General Stewart, but he asks that, inasmuch as said work was done as soon as by any possibility it could have been done by anybody; that he was allowed to go on and finish the same after said extended time had expired, and that said work has now been completed in a satisfactory way, and that no damage or loss has accrued to the United States Government by reason of said delay—he respectfully asks that his said claim may be ordered to be paid in full, as presented to the Chief of Engineers.

Very respectfully, yours, &c.,

CHAS. P. STRATTON,
Attorney for Abraham P. Eyre.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.

WAR DEPARTMENT, WASHINGTON CITY,
January 6, 1871.

SIR: I am directed by the Secretary of War in answer to your letter to him of the 29th ultimo, to inform you that the reserved one-fifth of the compensation of Mr. Eyre under the contracts referred to in your letter having been legally forfeited to the United States, the Secretary has no authority to order its payment to Mr. Eyre.

Very respectfully, &c.,

W. M. IRWIN,
Assistant Judge Advocate General.

CHARLES P. STRATTON,
Camden, New Jersey.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, March 6, 1871.

GENERAL: I transmit herewith a copy of a letter from Mr. A. P. Eyre, received by me on the 1st of March. Mr. Eyre is the contractor for timber and workmanship on timber for the piers at Marcus Hook. His contracts are dated July 13 1867; expired January 1, 1868, and

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were extended to January 1, 1869. He failed to comply with his undertakings.

My knowledge of the transactions is contained in the letters of Colonel Stewart to the Chief of Engineers of December 21, 1869, and February 28, 1870, and the office records and files, and is embodied in my letter of June 10, 1870.

It will be seen that Mr. Eyre now proposes to accept of the Government whatever will be paid him.

Colonel Stewart proposed in the above letters to retain as forfeited all the twenty per cent. reserved under Eyre's contracts, and to pay him the remaining balance found due him for materials delivered and work done, amounting to $1,996.82.

Judge Advocate General Holt, in his opinion of December 12, 1870, concurred in with same date by the Secretary of War, which opinion was transmitted to me from the office of the Chief of Engineers on the 14th December, 1870, for my guidance, advises that the balance due upon the contracts, less the twenty per cent., is alone payable to Eyre. I will, therefore, pay him this sum as in full of his claim, unless you should instruct me otherwise.

Whether the payment should be made now or after the final completion of the piers, is the only remaining question as to which I ask instructions. The parties now engaged on the stone-work appear to be fully disposed to complete their undertakings, and will probably finish everything in April. The ultimate expenditures cannot be stated until the work is completed.

Very respectfully, your obedient servant,

J. D. KURTZ,
Lieutenant Colonel of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

CAMDEN, NEW JERSEY, *March* 1, 1871.

MY DEAR SIR: The fact of my connection with the United States Government as contractor for the erection of piers at Marcus Hook has brought me to abject poverty, having no home or a bed to lie on belonging to myself; my property now in the sheriff's hands, and to be sold at public outcry next Monday afternoon, as you may see as set forth in Forney's Press of this day. My necessities are such as to compel me to accept of the Government whatever those in authority may be pleased to give me. It is unnecessary for me to go into detail in the matter, as you are to a considerable extent acquainted with the facts.

Therefore I ask of you the favor to obtain for me, as before said, whatever sum the powers that be may elect to give. My necessities are such as to require immediate relief.

I am yours in sentiments of esteem.

A. P. EYRE,
No. 431 *Market Street, Camden.*

Colonel J. D. KURTZ.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 7, 1871.

COLONEL: Your letter of the 6th instant, inclosing a copy of a letter addressed to you on the 1st instant by A. P. Eyre, contractor for tim-

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ber and workmanship on timber for the piers at Marcus Hook, in which he signifies his willingness to accept the amount found to be due him, &c., has been received.

In the opinion of this office the payment of the money found to be due Mr. Eyre, $1,996.82, should be paid at once, his contract having been completed without reference to the final completion of the piers by other contractors.

By command of Brigadier General Humphreys.

Very respectfully, your obedient servant,

JOHN G. PARKE,
Major of Engineers.

Lieutenant Colonel J. D. KURTZ,
Corps of Engineers, Post-office Box 1841, *Philadelphia, Pa.*

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pennsylvania, March 8, 1871.

GENERAL: I have the honor to acknowledge the receipt of letter of 7th instant from office of the Chief of Engineers, and, in accordance with the last paragraph thereof, have notified Mr. Eyre that I will pay him at once the balance found to be due him under his contracts for the Marcus Hook piers.

Very respectfully, your obedient servant,

J. D. KURTZ,
Lieutenant Colonel of Engineers.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 258.

TREATY WITH THE CHEROKEE NATION.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

The sixteenth article of the treaty of 19th July, 1866, with the Cherokee Nation of Indians.

APRIL 17, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 11, 1872.

SIR: By the sixteenth article of the treaty of July 19, 1866, between the United States and the Cherokee Nation of Indians, it is provided that friendly Indians may be settled in any part of the Cherokee country, west of the 96th meridian, west longitude. (Stat. at Large, vol. 14, page 804.)

The act of Congress, approved July 15, 1870, made it the duty of the President to remove the Great and Little Osage Indians to lands provided, or to be provided, for them in the Indian Territory; said lands to be paid for out of the proceeds of the sale of their lands in Kansas. (Stat. at Large, vol. 16, page 362.)

In accordance with the act of Congress and treaty referred to, and by the concurrent action of the Department and the Cherokee Nation, the Osages were removed to a reservation selected for them in the Indian Territory, believed to be, at the date of removal, east of the 96th meridian, where substantial and valuable improvements have been made by them.

A recent survey establishes the 96th meridian, a distance of three and a half miles west upon its supposed location upon the ground, and the most valuable improvements made by the Osages now lie east of said meridian.

I have the honor to transmit, herewith, a copy of a report dated the 1st instant, addressed to this Department by the Commissioner of Indian Affairs, and accompanying papers, in relation to this subject. I respectfully recommend, for the consideration of Congress, the accompanying paper, marked B, being a draught of "An act to confirm to the Great and Little Osage Indians a reservation in the Indian Territory."

Inasmuch as the location of the Great and Little Osages upon their present reservation was made without the concurrence of the Cherokee

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Indians, and, in fact, as their delegation allege, in opposition to their protest, it is highly important that this subject receive early attention.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 1, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th ultimo, transmitting the report and accompanying papers presented to the Department by Thomas Wistar and George Howland, jr., who were appointed commissioners to arrange certain difficulties between the Cherokee and Osage Indians, growing out of the change of the line of the 96th meridian.

In compliance with your instructions to state my views and suggestions thereon, I respectfully report as follows, viz:

It being the policy of the Government to remove from the State of Kansas, so far as possible, Indian tribes residing therein, the Great and Little Osages were, in accordance with section 12 of the Indian appropriation act, approved July 15, 1870, (Stat. at Large, vol. 16, p. 362,) induced to dispose of their lands in that State and remove to the Indian Territory, where a suitable reservation in compact form, equal to 160 acres for each member of the tribe, was to be provided for them west of the 96th meridian, the United States having the right to settle friendly Indians thereon, as provided in the Cherokee treaty of July 19, 1866. (Stat. at Large, vol. 14, p. 799.)

A preliminary survey was made in order to determine, as nearly as was at that time practicable, the line of the 96th meridian, and the Osages thereupon selected and removed to a tract adjoining and immediately west of the supposed line, believed to be 60 miles in length from north to south, and 14.58⅓ miles from east to west, and to contain 560,000 acres. Recently the official survey of the line of the 96th meridian has been made, and is shown to be about 3½ miles to the west, and the length of the tract assigned to the Osages to be but 59 miles 68.53 chains, thereby throwing a part of the Osage lands, with most of their valuable improvements, east of the 96th meridian, and reducing the quantity of land embraced in said tract to 536,934 acres. To remedy the embarrassment caused by this discovery, Messrs. Wistar and Howland were designated by the Department as commissioners to arrange with the Cherokee authorities for the purpose of securing, if practicable, their assent to the Osages remaining on that portion of their lands thrown east of the 96th meridian by the survey; otherwise to select a new reservation for them, and full instructions were given said commissioners to that end by this office, under date of November 4, 1871.

From the report of said commissioners now submitted, it appears that the Osages have agreed to take, in lieu of the lands first assigned them in the Cherokee country, the whole of the tract lying between the 96th meridian "and the main channel of the Arkansas River, with the south line of the State of Kansas for a northern boundary, and the North Creek line and the main channel of the Arkansas River for a southern and western boundary," the price to be fixed by the President.

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It is also stipulated in said agreement that the Department shall appoint three appraisers to appraise the value of the Osage improvements now east of the 96th meridian, the aggregate amount of said improvements to be deducted from the amount to be paid the Cherokees for the lands.

It is further stipulated that the Osages agree to admit the Kansas or Kaw tribe of Indians upon their lands, and that if they cannot agree upon a location for the latter, or the price to be paid for the lands to be sold to the Kaws, the President shall determine the matter.

Such is the arrangement proposed to be adopted to obviate the difficulties created by the original false determination of the 96th meridian, as respects the home which the Government is bound to provide for the Osages in the Indian country. It would be wholly within the competence of the Department to approve this arrangement and carry it into execution without resort to Congress, but for the fact that the tract which is thus proposed to be set apart for the Osages is in excess of 160 acres to each member of the tribe, even when increased by the accession of the Kaws.

The tract above described is estimated to contain 1,700,000 acres, being 1,140,000 acres in excess of the amount to which the Osages are entitled to receive under the Cherokee treaty of 1866, and the twelfth section of the Indian appropriation bill, approved July 15, 1870. The Kansas, or Kaws, numbered 627 at their last census. Allowing 160 acres to each of them would appropriate an additional amount of about 100,000 acres, leaving over 1,000,000 acres unappropriated at the rate of 160 acres to each individual.

The importance of speedily securing a permanent settlement for the Osages in the Indian country is very manifest and urgent. The question whether it shall be done by confirming them in their occupation of the reserve originally meted out for them, in spite of the new determination of the line of the 96th meridian, on the ground that the identical tract was in contemplation of the Osages, the Cherokees, and the United States, and that the line of the 96th meridian was only taken as descriptive, it being the intention of all parties to the several agreements affecting this tract that the eastern boundary thereof should be the line then known and accepted as the line of the 96th meridian; or whether the specific arrangement proposed, and understood to have been effected with the Osages for their establishment in the Indian country shall be regarded as having failed through the new determination of the line of the 96th meridian, and a new reservation be thereupon set apart for them in accordance with the twelfth section of the act of June 15, 1870, or under authority to be derived from new legislation, is a question upon which I have the honor to ask the decision of the Department. I am strongly disposed to hold that the Osages should not be disturbed in their occupation of the tract originally assigned to them, but that they should be regarded as having rights therein superior to those claimed by the Cherokees. In this view I submit herewith the draught of a bill marked A, to confirm the Osages in their present location.

Should, however, the Department decide that the Osages cannot be maintained on the reservation originally designated for them, it would then become expedient to consider whether the agreement between the Osages and the commissioner on the part of the United States, which forms the subject of this communication, shall be confirmed by the Department, or, in the absence of sufficient authority, be referred to Congress.

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The nature and terms of the agreement have been insufficiently expressed and explained. The Osages having given their assent, it only remains to inquire—

1. Is it expedient for the United States?

2. Is it just to the Cherokees?

On the first point the single consideration is, whether the Government can afford to give up to the occupation of the united tribes of the Great and Little Osages and the Kaws, numbering in all about 4,000, so large a tract as that described in the agreement under consideration? It is not a question of giving the land to the Indians. The Osages expect to pay for it, and are able to pay for it, and funds belonging to the Osages to far more than the amount required for such payment are now held by the Government in trust for the tribe.

By the Cherokee treaty of 1866 the United States acquired the right to settle friendly Indians upon a tract of country embracing about 8,500,000 acres. The present agreement would give up to the exclusive occupation of some 4,000 Indians one-fifth of this tract. Without apprehending that there will be any considerable difficulty in obtaining future further cessions of territory from tribes within the Indian country as the Government shall desire, it would still be my belief that it was decidedly injudicious to exceed in any case the amount contemplated in that treaty, viz, 160 acres to each member of a friendly tribe so settled upon the ceded lands, were it not that the Osages have suffered great hardship and wrong in the country from which they came, and have now encountered a grievous disappointment in their expected home in the Indian country, solely through the failure of the Government to properly determine their location. If the injuries which the Osages have suffered in the past, their disappointment now, through the fault of the Government, and the manifest and urgent importance of adjusting the difficulty without delay, are held to constitute a sufficient reason for allowing these Indians to purchase more land than was contemplated in the treaty of 1866, I know of no reason why this agreement should not be pronounced to be expedient so far as the United States is concerned and either confirmed by the Department, or, in case it is held that the Department is precluded from assigning more than 160 acres to each member of the tribe, submitted to Congress for its action.

2. Are the conditions of the agreement just to the Cherokees?

In this connection I beg to call the attention of the Department to a communication (copy inclosed) from the Cherokee delegation now in this city, in which said delegation, under date of the 26th instant, enter their objections, on the part of their people, to the proposed agreement. As the points made by the Cherokee delegates are briefly stated, I give them in full immediately following:

"1. According to the provisions of the sixteenth article of the treaty of 1866 between the United States and the Cherokee Nation, the price of the lands west of 96° west longitude, if practicable, was first to be agreed upon between the Cherokees and the Indians to be settled upon them; but if they should not agree, then the price to be fixed by the President.

"2. The lands ceded to friendly Indians under said article, by the Cherokee Nation, was to be conveyed to them in fee simple, and their protection in the enjoyment of them should not be made dependent upon so vague a condition as an 'endeavor' on their part to 'occupy and improve' them. This provision, to be found in the fifth article of the agreement, appears to us to be unprecedented, and not less dangerous to the rights of the Osages than to those of the Cherokees. While it may be viewed on the one hand as an inducement to the Osages to set-

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tle down and improve their country, on the other it holds out a very dangerous temptation for intrusion upon them by the whites.

"3. The commissioners and the Osages in their agreement had no authority to bind the Cherokee Nation for the payment for improvements which they had no instrumentality in making, and which was done solely through the error of the agents of the Government of material taken from the domain of the Cherokee Nation in a section of country where timber was scarce and valuable to her own citizens."

Upon the foregoing I remark—

1. The treaty of 1866, in its sixteenth article, certainly contemplates that an attempt shall be made to obtain an agreement between the Cherokees and each and every tribe of Indians to be settled upon the lands west of 96th meridian, as to the price to be paid the Cherokees for such lands; and that only after the failure of such attempted agreement shall the price be fixed by the President.

I submit, however, whether, if it be clearly shown that the Cherokees have no substantial interest in such a negotiation, but that it is a matter of mere punctilio, any arrangement between the United States and the Osages which is in a high degree important should be defeated or deferred on this account.

As regards the advantage, possibly resulting to the Cherokees from the contemplated negotiation with the Osages for the price of the ceded lands, I would only call the attention of the Secretary to the protracted efforts toward an agreement between the Osages and the Cherokees relative to the lands originally set apart for the latter tribe, by far the greater portion of which lands are embraced in the proposed new reservation; which efforts resulted uniformly in the total disagreement between the parties, and developed the fact, certainly to the entire satisfaction of this office, that it is not practicable to contract with the Cherokees for lands west of 96th meridian at any reasonable price. In the case of former negotiations it became necessary for the President to fix the price for the Osage lands as provided in the last resort by the treaty of 1866, and I see not the slightest reason to believe that negotiations in the present instance would find any other result. I conclude, therefore, that the first objection urged by the Cherokee delegation presents no substantial interests of the Cherokees adverse to the plan submitted by Commissioners Wistar and Howland.

2. The second point made in the communication of the Cherokee delegation is bad, both in substance and form. The phrase in the fifth article of the agreement with the Osages, to which the delegation object, viz, "endeavor to improve and occupy the aforesaid lands," is mere recital. It is not necessary in the agreement, nor is it objectionable in itself. It can no way affect the tenure of the Osages, which must be governed by the treaty and the law.

3. The third point made by the Cherokee delegation deserves consideration.

On the one hand, it may be urged that the authority vested in the President, in the last resort, to fix the price of the lands, fairly involves the right to determine the value of improvements made by the Osages on the lands to be retained by the Cherokees as offset. On the other hand, it may not unreasonably be claimed by the Cherokees that the improvements of the Osages will be of comparatively slight value to their nation or to members of it, and that they should be allowed to say for themselves whether they will or will not use and pay for the improvements which the Osages have made upon the lands they are, by the terms of this agreement, to retain.

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Should the Department decide that it is expedient to carry into effect the agreement between Commissioners Wistar and Howland and the Osages, and that the Department is not authorized to set apart for any tribe of Indians any portion of the lands ceded by the Cherokee treaty of 1866 in excess of 160 acres to each member of such tribe, a bill similar in form to the inclosed draught (marked B) would, in the opinion of this office, provide adequate authority of law for the proposed new location of the Osages.

I beg, without further expression of the views of this office upon the law or the equity of the case, to submit the several points raised herein for the decision and action of the Department.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

HON. SECRETARY OF THE INTERIOR.

B.

AN ACT to confirm to the Great and Little Osage Indians a reservation in the Indian Territory.

Whereas by the treaty of 1866, between the United States and the Cherokee Nation of Indians, said nation ceded to the United States all its lands west of the ninety-sixth meridian, west longitude, for the settlement of friendly Indians thereon; and whereas by act of Congress, approved July 15, 1870, the President was authorized and directed to remove the Great and Little Osage Indians to a location in the Cherokee country west of the ninety sixth meridian, to be designated for them by the United States authorities; and whereas it was provided by the same act of Congress that the lands of the Osages, in Kansas, should be sold by the United States, and so much of the proceeds thereof as were necessary should be appropriated for the payment to the Cherokees for the lands set apart for the said Osages west of the ninety-sixth meridian; and whereas under the provisions of the above-mentioned treaty and act of Congress, and by the concurrent action of the authorities of the United States and the Cherokee Nation, the said Osages were removed from their former homes, in the State of Kansas, to a reservation set apart for them in the Indian Territory, at the time of the removal supposed to be west of the said ninety-sixth meridian, and bounded on the east thereby, and upon which said Osages have made substantial and valuable improvements; and whereas by a recent survey and establishment of the ninety-sixth meridian it appears that the most valuable portion of said Osage reservation, and upon which all their improvements are situated, lies east of said meridian; and whereas it therefore became necessary to select other lands in lieu of those found east of the established ninety-sixth meridian, for said Osage Indians; and whereas a tract has accordingly been selected, lying between the western boundary of the reservation heretofore set apart for said Indians, and the main channel of the Arkansas River for a northern boundary, and the north line of the Creek country and the main channel of the Arkansas River for a southern and western boundary; and whereas the act of Congress, approved July 15, 1870, restricts the reservation for said Osage Indians to "a tract of land in compact form equal in quantity to one hundred and sixty acres for each member of said tribe;" and whereas in a letter of the Cherokee delegation, addressed

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to the Secretary of the Interior, on the 8th day of April, 1872, in behalf of the Cherokee Nation, contained their approval of, and assent to, the proposition to provide for the settlement of the Osage and Kaw Indians on that portion of the Cherokee country lying west of ninety-sixth degree west longitude, south of Kansas, east and north of the Arkansas River: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide said Osage tribe of Indians with a reservation, and secure to them a sufficient quantity of land suitable for cultivation, the following described tract of country west of the established ninety-sixth meridian in the Indian Territory be, and the same is hereby, set apart for and confirmed as their reservation, viz: Bounded on the east by the ninety-sixth meridian; on the south and west by the north line of the Creek country, and the main channel of the Arkansas River; and on the north by the south line of the State of Kansas: *Provided*, That the location as aforesaid shall be made under the provisions of article sixteenth of the treaty of 1866, so far as the same may be applicable thereto.

WASHINGTON, *Thirdmonth* 20, 1872.

To the Hon. SECRETARY OF THE INTERIOR:

The undersigned, duly appointed commissioners to arrange certain difficulties between the Cherokee and Osage tribes of Indians, growing out of the change of the 96th meridian, respectfully report that in pursuance of the object of their appointment, (a copy of our instructions is herewith transmitted,) two of their number proceeded as far as Lawrence, Kansas, when the senior member became so seriously ill that he was unable to continue the journey. After waiting four days for his colleague, who was still unable to resume his journey, the remaining one, in company with Isaac T. Gibson, the Osage agent, set off for the encampment of the Osages on Pond Creek, some one hundred and fifty miles beyond the end of the railroad at Coffeyville, being joined on the way by Mahlon Stubbs, the agent for the Kaws, who were to be included in the reservation to be arranged for.

On arriving at Pond Creek, where a portion of the tribe was encamped, it was found that most of the principal men were some fifty miles away, on the hunt. On the following morning the governor dispatched a runner to notify the chiefs and headmen that the commissioner had arrived, and to invite them to meet him at the encampment as soon as practicable. This occupied four or five days. They, however, responded to the call, and on the 16th of secondmonth (February) we met in council in one of their lodges, when a formal invitation was tendered them to meet the commissioners with the remainder of the tribe at the agency on the Little Verdigris River; this being accomplished we retraced our steps, reaching the agency on the evening of the 21st. On the evening of the 28th, the commissioner who had been left sick at Lawrence, and who had so far recovered his health as to be able to travel, reached the agency in company with Superintendent Hoag.

The chiefs and headmen who had been invited to come in from their hunting-grounds began to arrive on the following day, and on the 1st day of thirdmonth (March) we met a large number of the chief men of the tribe at the agency, when we stated to them the purpose for which we had come, and laid before them for their consideration two propositions, which, together with the addresses on both sides, the agreement

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entered into with them, (a duplicate of which was left with them,) and a communication from them to us, are presented herewith, and form a part of our report.

In conclusion, we would say we were favored to transact all our business with our red brethren in perfect harmony and good feeling, and can but hope and trust that our labors on their behalf will not have been in vain.

With hearts full of gratitude toward our Father in heaven for his mercies toward us, in protecting us from dangers seen and unseen, we subscribe ourselves,

THOMAS WISTAR,
GEO. HOWLAND, JR.,
United States Commissioners.

Articles of agreement entered into at the Osage agency, Indian Territory, on this 5th day of thirdmonth, A. D. 1872, between the United States on the one part, represented by Thomas Wistar and George Howland, jr., duly appointed commissioners, and the Osage Indians on the other part, represented by their governor, Joseph Paw-ne-no-posh and Neo-po-walla, chief of the Little Osages, and other chiefs and headmen of the tribe, whose names are hereto attached.

PREAMBLE.

Whereas the Osage tribe of Indians, in the State of Kansas, did place with the United States, in trust for sale, their lands in the State of Kansas, according to the provisions of an act of Congress, approved July 15, 1870, agreeing to remove to a new home in the Indian Territory, consisting of a tract of land equal in quantity to one hundred and sixty acres for each member of said tribe; the price per acre not to exceed the price paid, or to be paid, by the United States for the same.

And whereas said Indians did remove to the Indian Territory in the fall of 1870, and settle on a tract of land provided for them, consisting of 560,000 acres, and the same was priced by the President at 50 cents per acre.

And whereas upon a resurvey by the United States Government of their eastern boundary, to wit, the 96° longitude, said boundary being proved to have been incorrectly located, and said resurvey having deprived said Indians of the larger portion of their tillable lands, and the greater portion of the improvements made since their removal to said tract, the said contracting parties agree as follows:

ARTICLE I. That in lieu of the strip of land lying east of the established meridian line of 96° west longitude, being a portion of the tract transferred to the Osage tribe of Indians, in accordance with a treaty concluded July 19, 1866, between the United States and the Cherokee Nation, the whole of the tract lying between the western boundary of the aforesaid grant and the main channel of the Arkansas River, with the south line of the State of Kansas for a northern boundary, and the north Creek line and the main channel of the Arkansas River for a southern and western boundary, be ceded and transferred to the Osage tribe of Indians, and confirmed to them by the proper authorities at Washington, and that the price of said land be fixed by the President of the United States.

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ARTICLE II. The Osage tribe of Indians accept the proposition contained in Article I.

ARTICLE III. That the proper authorities at Washington appoint the superintendent of Indian affairs of the central superintendency, J. B. Jones, agent for the Cherokees, and Isaac T. Gibson, agent for the Osages, or substitutes appointed by either of them in case of their inability to discharge that duty, to appraise the value of the improvements made by the Osages on the strip of land between the ninety-sixth meridian as formerly surveyed and the more recent one, the aggregate amount of said appraisal to be deducted from the amount to be paid to the Cherokee Nation for the previously-described reservation; the appraisers also to value the improvements made by any Cherokees who may be located on said reservation west of the established line of 96°, said aggregate to be added to the amount to be paid to the Cherokees: *Provided*, in both cases, such improvements shall not have been sold at the time of appraisal.

ARTICLE IV. The Kansas or Kaw tribe of Indians, now in the State of Kansas, shall have the right to settle on the tract of land above described and ceded to the Osage tribe of Indians; and in case the Osage and Kansas tribes of Indians cannot agree upon their respective locations, or upon the price to be paid for the lands ceded to the Kansas Indians, the President of the United States shall determine these matters for them.

ARTICLE V. Provided the Osages endeavor to occupy and improve the aforesaid lands, the United States Government agrees to protect them from intruders, and to foster and encourage them in their efforts.

ARTICLE VI. The aforesaid agreement to take effect upon its approval by the Secretary of the Interior.

THOMAS WISTAR,
GEO. HOWLAND, JR.,
United States Commissioners.
JOSEPH PAH-NE-NO-POSH,
Governor.
CLAMMORE, his x mark,
Chief of Clanmore Band.
TALLY, his x mark,
Second Clanmore Band.
HENRY, his x mark,
Brave.
O-TAH-SAH-IN-KA, his x mark,
Brave.
TA-WAU-GE-HE, his x mark,
Chief, Big Hill Band.
NE-CAH-WAH-SHE-TON-CAH, his x mark,
Litttle Chief.
CON-SAH-GAH-SHE, his x mark,
Counselor.
NE-CO-CON-SE, his x mark,
Brave.
WAH SHE-PE-SHE, his x mark,
Marshal.
DRUM, his x mark,
Brave.
KE-NE-KAH, his x mark,
Brave.

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AR-SHE-CAH-LE, his x mark,
Brave.

CHE-SHO-WAH-TI-ANCAH, his x mark,
Chief, White Hair Band.

CA-HE-CAH-WAH-TI-AN-CAH, his x mark,
Second Chief, White Hair Band.

HARD ROPE, his x mark,
Counselor, White Hair Band.

HAH-SCO-NE-SAHE, his x mark,
Counselor, White Hair Band.

SE-SO-GLA-TIA, his x mark,
Brave.

SHO-ME-CAH-SE, his x mark,
Brave.

GEORGE BEAVER, his x mark,
Chief, Beaver Band.

SHO-ME-CAH-SE, his x mark,
Brave.

CAH-HE-CAH-STATZ, his x mark,
Little Chief.

WOSTER BIGHEART, his x mark,
Little Chief.

HARD CHIEF, his x mark,
Little Chief.

LONG POLE, his x mark,
Brave.

BELVIZE, his x mark,
Counselor.

TOBY MONGRAIN, his x mark,
Little Chief.

WHITE HORN, his x mark,
Little Chief.

COH-SHETSE-NE-KAH, his x mark,
Brave.

MOH-SHE-POH-HOH, his x mark,
Brave.

MEH-TAH-WAH-TI-AN-KAH, his x mark,
Brave.

JOHN BUFFALO, his x mark,
Brave.

WAH-CON-TAH-KO-KAH, his x mark,
Brave.

WAH-KAH-KI-TI-CAH, his x mark,
Brave.

NO-PA-WAL-LA, his x mark,
Chief, Little Osages.

YOUNG STRIKEAXE, his x mark,
Second Chief, Little Osages.

CHI-TO-PAH, his x mark,
Counselor.

WY-A-HOH-KA, his x mark,
Little Chief.

CHE-WAI-TEA, his x mark,
Little Chief.

LITTLE CHIEF, his x mark,
Little Chief.

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WAH-HO-PAH-SHIN-CAH, his x mark,
Little Chief.

MOH-SHA-KO-SHE, his x mark,
Brave.

HES-KA-MOH-E, his x mark,
Brave.

E-PE-SON-SA, his x mark,
Brave.

SAH-PAH-SHIN-CAH, his x mark,
Brave.

SAMUEL BEVENUE, his x mark,
Second Chief, Half-Breed.

FRANK MARSHALL,
Counselor, Half-Breed.

AUGUSTUS,
Captain Counselor, Half-Breed.

JAMES BIGHEART,
Brave, Half-Breed.

PETER C. BIGHEART,
Brave, Half-Breed.

T. L. ROGERS,
Brave, Half-Breed.

Signed in the presence of—
ISAAC T. GIBSON,
United States Indian Agent.
ALEXANDER BEYETT,
United States Interpreter.
JOHN H. STUART,
Secretary to Commissioners.

WASHINGTON, D. C., *March* 26, 1872.

SIR: We have the honor to acknowledge the receipt of your communication of yesterday, transmitting copies of the report of Messrs. Wistar and Howland, special United States commissioners to adjust the difficulty growing out of the improper location of Osage Indians by their agents, upon Cherokee lands, and of the agreement entered into by them with said Osages, providing for them a new reservation, in part. One object in soliciting a copy of that agreement previous to your reporting upon it was respectfully to call your attention to the following points involved in the arrangement:

1. According to the provisions of the XVIth article of the treaty of 1866, between the United States and the Cherokee Nation, the price of the lands west of 96° west longitude, if practicable, was first to be agreed upon between the Cherokees and the Indians to be settled upon them; but, "if they should not agree, the price was to be fixed by the President."

2. The lands ceded to friendly Indians under said article, by the Cherokee Nation, was to be conveyed to them in fee simple, and their protection in the enjoyment of them should not be dependent upon so vague a condition as an endeavor on their part to "occupy and improve" them. This provision, to be found in the Vth article of the agreement, appears to us to be unprecedented, and not less dangerous to the rights of the Osages than to those of the Cherokees. While it may be viewed

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on the one hand as an inducement to the Osages to settle down and improve their country, on the other it holds out a very dangerous temptation for intrusion upon them by the whites.

3. The commissioners and Osages, in their agreement, had no authority to bind the Cherokee Nation for the payment for improvements which they had no instrumentality in making, and which was done solely through the error of the agents of the Government, of material taken from the domain of the Cherokee Nation, in a section of country where timber was scarce and valuable to her own citizens.

We respectfully ask, therefore, your consideration of these points of objection to said agreement, believing, as we do, that the interests of the Cherokee Nation are quite as much involved in the premises as are those of the Osages.

We have the honor to be, very respectfully, your obedient servants,

WILL P. ROSS,
W. P. ADAIR,
C. N. VANN,
Cherokee Delegation.

Hon. F. A. WALKER,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 8, 1872.

SIR: The undersigned, on behalf of the Cherokee Nation, hereby respectfully state that the language of the bill marked B, and read to them on the 6th instant, providing for the settlement of the Osage and Kaw Indians on that portion of the Cherokee country lying west of 96 degrees longitude, south of Kansas, east of the Arkansas River, and north of said river and of the northern boundary of the Creek country, will be acceptable to them, by adding to, or embracing in, said bill a statement of the fact that it is drawn in accordance with their approval and consent.

We have the honor to be, very respectfully, your obedient servants,

WILL. P. ROSS.
W. P. ADAIR.
C. N. VANN.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 259.

COLLECTOR OF CUSTOMS AT PORT TOWNSEND, W. T.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN FURTHER RESPONSE TO

The resolution of the House of February 2, 1872, relative to the collector of customs at Port Townsend, Washington Territory.

APRIL 17, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT, *April* 13, 1872.

SIR: In further response to the resolution of the House of Representatives, dated February 2, 1872, I have the honor to inclose herewith a copy of a letter addressed to me by F. Drew, esq., collector of customs at Port Townsend, Washington Territory, dated March 25, 1872.

Very respectfully, your obedient servant,

GEO. S. BOUTWELL,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

CUSTOM-HOUSE, PUGET SOUND DISTRICT,
Port Townsend, W. T., March 25, 1872.

SIR: In reply to your communication, marked Y on upper left-hand corner, asking information in regard to the aggregate trade of this district with the ports in the Atlantic States, via Cape Horn, during the year 1870, and also the amount of tonnage and value of cargoes which cleared from or entered into this district to and from all foreign ports, via Cape Horn, I beg respectfully to state that no trade was carried on between this district and the Atlantic States, via Cape Horn, during the year 1870, and that there was cleared from this district for foreign ports via Cape Horn, during said year, cargoes, the value of which amounted to $26,973; the tonnage so employed amounting to 3,201 tons. No entrances were made during said period from foreign ports by the above-named route.

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Allow me to add that during some periods other than the year named the exports from this district to England, France, and Spain, via Cape Horn, have been considerable.

I have the honor to be, very respectfully, your obedient servant,

FRED. DREW,
Collector of Customs.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury, Washington, D. C.

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TROWEL-BAYONET.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of April 4, 1872, relative to the experimental trial made in the Army of the trowel-bayonet.

APRIL 17, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *April* 13, 1872.

The Secretary of War has the honor to answer the resolution of the House of Representatives of the 4th instant, calling for the result of the experimental trial made in the Army of the trowel-bayonet, &c., by transmitting to that House herewith copies of the official reports received upon the subject.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, October 11, 1871.

GENERAL: I have the honor to acknowledge the due receipt of your letter of February 4, 1871, relating to the shipment of five hundred trowel-bayonets to the Leavenworth arsenal for issue and trial in this department, and in compliance with instructions contained therein I forward herewith reports showing result of experiments and tests made in the premises—

From commanding officer post of Fort Leavenworth, Kansas, (inclosing report of Lieutenant T. H. Logan, Fifth Infantry;)

From commanding officer post of Fort Harker, Kansas;

From commanding officer post of Fort Larned, Kansas;

From commanding officer post of Fort Wallace, Kansas, (with reports of Captain W. Lyman and A. S. Bennett, Fifth Infantry;)

From commanding officer post of Fort Dodge, Kansas, (inclosing reports of Captains Ed. Moale and Louis S. Morris, Third Infantry;)

From commanding officer post of Fort Hays, Kansas, (inclosing re-

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ports of Captain E. P. Ewers and Lieutenant Q. Campbell, Fifth Infantry; and

From commanding officer post of Fort Lyon, Colorado Territory.

I have seen the bayonets tested, so that in fifteen minutes two companies of infantry so covered themselves that they could not be seen at a distance of 50 feet in front of an embankment which had been thrown up by them with the bayonet, and which could not be penetrated by a musket-ball fired at a distance of 10 feet.

I am, general, respectfully, your obedient servant,

JNO. POPE,
Brevet Major General, Commanding.

General E. D. TOWNSEND,
Adjutant General U. S. A., Washington, D. C.

First indorsement.

HEADQUARTERS OF THE ARMY,
Washington, October 19, 1871.

Respectfully submitted to the Secretary of War.

The trowel-bayonet certainly has merit for active service, and the tests herein reported are as favorable as could be expected.

W. T. SHERMAN,
General.

Second indorsement.

ORDNANCE OFFICE,
November 1, 1871.

Respectfully returned to the Adjutant General.

These reports upon the trowel-bayonet are conflicting and satisfy me that it ought not, at this time, to be adopted for general service.

If a trowel-bayonet is given to the soldier, he will frequently in service use it for digging when it is "fixed," and there will be great danger of his bending the barrel and destroying the usefulness of the musket. I believe a small trowel, which can be carried in a soldier's belt, will be quite as effective for digging as the trowel-bayonet when not "fixed," and it would cost much less.

Some should certainly be tried in service before the trowel-bayonet is adopted.

A. B. DYER,
Chief of Ordnance.

Third indorsement.

HEADQUARTERS OF THE ARMY
Washington, November 2, 1871.

Respectfully returned to the Secretary of War, with report of the Chief of Ordnance.

W. T. SHERMAN,
General.

HEADQUARTERS FORT LEAVENWORTH, KANSAS,
September 18, 1871.

SIR: Referring to letter of instructions concerning trowel-bayonets.

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from Headquarters of the Army, dated February 4, 1871, copy of which was sent from headquarters Department of the Missouri to these headquarters, in letter of April 28, 1871, with orders to comply with instructions therein contained, I have the honor to submit the following report:

I have to say that a report could not have been rendered at an earlier date, owing to the fact that the scabbards were not received until September 13, 1871. The bayonet has been for some time in use by three companies of this garrison, and I have examined and tested it as a bayonet and as a trowel.

1. As a bayonet I believe it to be as formidable a weapon as the one now in use, and that as severe a wound can be inflicted with it; also, that its moral effect in a charge would be as great as that of the old one. The difference in weight and length between the two is, I think, too slight to enter as an element into the question of accepting or rejecting the trowel-bayonet.

2. As a trowel it has been severely tested under my immediate supervision. A company in single rank, working in a soil of medium hardness, threw up in the space of ten minutes a work along its entire front of sufficient height and thickness to protect a line of battle. The work was tested and found to be bullet-proof against the Springfield breech-loader; at the distance of twenty paces the balls would not penetrate half through the work.

I think the manner of carrying the bayonet-scabbard could be improved by attaching it to the waist-belt by a clasp, so that the bayonet might be carried in an upright position; also that the shank of the bayonet be made longer, something like the shank of the saber-bayonet, which would give the soldier a firmer grasp in using it.

From an experience of four years of service in the field during the recent war, I am fully satisfied that an army or a body of troops, equipped with this bayonet, would, in the ordinary emergencies of a protracted campaign, have so great an advantage over an equal body equipped with the old bayonet as to compel its adoption at once. It is only in actual field service in the presence of an enterprising enemy, that an instrument of this kind could be fully appreciated. In an attack its value would be great in enabling the assaulting party to hold the position gained, and in an almost incredible short time make a position defensible.

In a retreat a small party could occupy positions and with this bayonet in a few minutes make the lines defensible against a much larger force.

For a line of battle or skirmish line, I am satisfied this weapon is a great improvement over the old one, and I have no hesitation in recommending that it be adopted in our service.

I am, sir, very respectfully, your obedient servant,

NELSON A. MILES,
Colonel Fifth Infantry, Commanding Post.

ASSISTANT ADJUTANT GENERAL,
Headquarters Department of the Missouri,
Fort Leavenworth, Kansas.

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FORT LEAVENWORTH, KANSAS, *September* 23, 1871.

SIR: Pursuant to instructions contained in letter from War Department, Adjutant General's Office, dated February 4, 1871, I have the honor to forward herewith report of trial of Rice's trowel-bayonet.

I am, sir, very respectfully, your obedient servant,

T. H. LOGAN,
First Lieutenant Fifth Infantry.

ADJUTANT GENERAL,
Department Missouri, Fort Leavenworth, Kansas.

HEADQUARTERS FORT LEAVENWORTH, KANSAS,
September 26, 1871.

Respectfully forwarded.

N. A. MILES,
Colonel Fifth Infantry, Commanding Post.

FORT LEAVENWORTH, KANSAS, *September* 23, 1871.

SIR: I have the honor to submit the following report of the result of the several trials of Rice's trowel-bayonet, made by men of Company H, Fifth Infantry, in my presence and under my supervision.

1*st Trial.*—Two men threw up a parapet four feet long, fifteen inches high, fifteen inches across the top, thirty inches across the base, and thirty inches high on the inside, in ten minutes, covering them completely, with room enough to handle their guns with address.

2*d Trial.*—Four men threw up a parapet five feet long, twenty inches high, eighteen inches across the top, three feet across the base, and thirty-two inches high on the inside, in ten minutes, the above parapet affording complete protection from the fire of musketry, as several shots fired from a Springfield rifle-musket, at the distance of twenty feet, failed to penetrate the parapet, although the dirt was not packed but very slightly.

3*d Trial.*—Twelve men threw up a parapet thirteen feet long, two feet high, two feet across the top, four feet across the base, and about thirty-six inches high on the inside, in fourteen minutes. The men worked opposite each other, throwing the dirt to the center. The ground in which these trials were made is about average ground of which rifle-pits and field-works are built in time of war.

From the result of the trials I have made and seen made with this bayonet, I have come to the conclusion that this bayonet, or something similar, should be adopted as soon as possible for the Army, for the following reasons:

First. In my opinion, the moral effect on an enemy of the trowel-bayonet, in a charge, would be equal to if not greater than that of the old bayonet.

Second. The trowel-bayonet can be used to a great advantage in throwing up rifle-pits and building field-works, thereby adding to the mobility of an army by the decreased number of wagons required to transport intrenching tools.

Third. In my opinion, the moral effect will be very good on the officers and men of the infantry of an army, of knowing that they have the means ever at hand to cover themselves by a good rifle-pit, in ten minutes, and to build, with the assistance of what almost every country affords in the

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way of rails, logs, stones, sods, &c., in twenty or thirty minutes, a field-work capable of stopping projectiles from field-guns.

Fourth. The trowel-bayonet, by sharpening one side of it, can be used with great advantage for cutting poles and pins for shelter-tents, cutting ditches around shelter or other tents, plastering log huts for troops in winter-quarters, such as were used in the late war; also, in building chimneys for the same.

Fifth. The trowel-bayonet can be used with advantage by skirmishers or troops on picket, as rests for their guns, when firing lying down, which is frequently a great *desideratum* in war.

In forming my opinion of the merits of this bayonet, I have the honor to state that I have been aided by my experience in actual war in coming to the conclusion as stated in the reasons above mentioned, as I served three years as a line-officer; two years of that time in command of a company that was engaged in every battle fought by the Army of the Potomac, with the exception of two, and in numberless skirmishes and affairs not participated in by the whole Army. And during that time I often felt, as doubtless every line-officer who served with his company during the war did, the want of something other than tin plates, halves of canteens, sharpened sticks, &c., with which to throw up temporary shelter from the fire of the enemy, as the intrenching tools of an army rarely ever get up to the front until the exigency for their use has passed.

The only objection to this bayonet that I know of is that, in using it, it blisters men's hands, which does not amount to an objection, as the use of shovels and picks will also blister men's hands not used to the use of them, while troops in war become hardened to the fatigue natural thereto; their hands become hardened and callous, and will not blister by the use of any implement used for intrenching purposes.

In conclusion, I respectfully recommend the adoption of this bayonet for the use of the Army, to the exclusion of all others, as I consider the old bayonet, as compared with Rice's bayonet, for general usefulness and manifold service, as about one pound of useless iron.

Respectfully submitted.

T. H. LOGAN,
First Lieutenant, Fifth Infantry, Commanding Company H.

ADJUTANT GENERAL,
Department of the Missouri.

HEADQUARTERS, FORT HARKER, KANSAS,
September 19, 1871.

SIR: I have the honor to transmit the following report upon the trowel-bayonet, thirty-five of which have been furnished the garrison at this post for trial.

I consider them a valuable substitute for the common bayonet, on account of their great usefulness as intrenching tools and because I think the moral effect upon the enemy much more appalling.

I would suggest that the socket of the bayonet be lengthened so as to extend beyond the edge of the handle, which will, I think in a great measure, prevent blisters upon the hands of the men while using the bayonet as an intrenching tool.

I would add that I am in favor of a change from the old to the trowel-

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bayonet for the Army, and respectfully recommend its adoption, to the exclusion of all others.

I am, sir, very respectfully, your obedient servant,

SIMON SNYDER,
Captain Fifth Infantry, Commanding Post.

Lieutenant Colonel R. WILLIAMS,
Assistant Adjutant General, Department of the Missouri, Fort Leavenworth, Kansas.

FORT LARNED, KANSAS, *August* 26, 1871.

CAPTAIN: In compliance with instructions received, I have the honor to submit the following report upon the trowel-bayonet, twenty of which were sent to my company for trial.

With eighteen men, (two reliefs of nine men each,) an earthwork twenty-two feet long, twenty-two inches high on outside, twenty-eight inches high on inside, and four feet wide, was thrown up in thirty-five minutes. One man was disabled by his hand being cut by end of socket pressing upon the palm. It is suggested that this socket be lengthened, so as to project beyond the edge of the hand; this will give more purchase, and, I think, remedy the defect.

The work spoken of above was commenced nine hours after a moderately heavy rain, and the cutting was through a very heavy prairie sod.

This pattern of bayonet, although presenting a less military appearance than the old one, will, no doubt, (in a bayonet charge,) be as effective, and, after becoming accustomed to the eye, probably look as well. For men on picket, on the skirmish-line, and on detached service, (particularly in this country,) it is an excellent thing.

Respectfully, yours,

JAS. A. SNYDER,
Captain Third Infantry.

Captain ALFRED MORDECAI, U. S. A.,
Chief of Ordnance, Department of the Missouri, Fort Leavenworth, Kansas.

HEADQUARTERS FORT WALLACE, KANSAS,
June 23, 1871.

SIR: I have the honor to report that in accordance with the letter of the department commander, inclosing copy of instructions from the Adjutant General's Office, relative to a trial of the trowel-bayonet, I detailed Company B, Fifth Infantry, to make the trial. A report of the result is forwarded herewith.

Very respectfully, your obedient servant,

E. BUTLER,
Captain Fifth Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of the Missouri, Fort Leavenworth, Kansas.

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Report of trials of Rice's patent trowel-bayonet for Army purposes, made in Company B, Fifth United States Infantry, stationed at Fort Wallace, Kansas, during the month of June, 1871.

First trial.—Ground, hard, dry, unbroken prairie-sod, containing large quantity of tough grass-roots. Nine men, single rank, alternating each five minutes. Time, thirty-five minutes; work thrown up, twenty-seven feet long, three feet wide at base, fourteen inches high, trench six inches deep, and wide enough for men to lie down. Some of the trowels were bent in using, and men complained of blistered hands by the end of the shank.

Second trial.—Soil, dry, hard sand, unbroken. Ten men, single rank, alternating each five minutes. Work, thirty-three feet long, four feet wide at base, fifteen inches high, trench five feet wide and nine inches deep, making good cover for single rank from infantry fire; time, thirty-five minutes.

Third trial.—Soil, bottom-land which had been plowed, similar to much which would be found in actual service in settled countries. Ten men, single rank, alternating each five minutes. Short wooden handles used in shanks of bayonets to prevent injury to hands of men. Time, thirty-five minutes; work, fifty feet long, three feet six inches wide, sixteen inches high, trench five feet wide and eight inches deep.

The trowels worked well in the two last trials, and the use of the short wooden handles inserted in the shanks was found to add much to the efficiency and ease of working.

The amount of work done could easily be doubled in the same time in case of emergency.

Respectfully submitted.

A. S. BENNETT,
Captain Fifth United States Infantry, Commanding Company B.

Indorsement on the foregoing.

HEADQUARTERS FORT WALLACE, KANSAS,
June 23, 1861.

Respectfully forwarded approved.

ED. BUTLER,
Captain Fifth Infantry, Commanding.

FORT WALLACE, KANSAS, *September* 30, 1871.

SIR: I have the honor to report the result of my experiments with Rice's trowel-bayonet and my opinion of it.

In this region the prairie sod is a foot in depth and extremely tough and dense; the bayonet has, therefore, been used at a disadvantage in digging at the guard stations along the railroad; still it has been used with success, and any objection made to the weapon on this score might equally be made against a pick or any tool.

In tilled soil, or ordinary arable land, I find that a trench or pit may be dug by a rank of men in five minutes, having a relief of two feet, with a parapet of two feet in thickness at top, and natural slope, and deflading the persons of the men lying stretched or stooping from musketry fire; and a double rank, in the same time, would enlarge the trench to afford corresponding cover. A single skirmisher can dig shelter for himself in the same time.

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If time should admit, the weapon would be useful in extending the work to any strength usual in the field, and twenty to thirty minutes would suffice to erect substantial earthworks.

The socket might be lengthened—say, half an inch—with advantage, and a stopper could be made which should fit in the lower end of the socket when used as a tool, for greater length, to give ease to the hand.

The loop is a valuable feature, I think, which should be retained.

But, in actual use in the field, the self-reliant American soldier, having the essential part, will improvise with wood means to vary its adaptation and increase its effectiveness as an implement. He will probably carry a little helve, which he will fit in the socket, and so make of the trowel a spade.

The high esteem in which the small spade with short handle, distributed to a few in each company, in Virginia, in 1864, was held by the men is generally known. They willingly carried it slung. Had the present invention been then known, I think the men would have procured it themselves, if permitted.

Its convenience for various personal uses of the soldier is too obvious to require suggestion.

As a bayonet the weapon seems equally effective as the other. I imagine its moral effect upon cavalry would be greater. Though shorter, it has the advantage of the cut.

I respectfully recommend the adoption of the bayonet at once.

Very respectfully, your obedient servant,

W. LYMAN,

Captain Fifth Infantry, Brevet Major, United States Army.

Lieutenant Colonel R. WILLIAMS,

Assistant Adjutant General.

FORT DODGE, KANSAS, *September* 19, 1871.

SIR: I have the honor to submit the following report upon the trowel-bayonet. The drill took place September 13, instant; number of men present, twenty.

1. A trench thirty-six feet long, five and a half inches deep, fifteen inches wide; average height from bottom of trench, nineteen inches; breadth of work thrown up, twenty-two inches; time occupied, fifteen minutes.

2. A trench thirty-nine and three-twelfths feet long, six and a quarter inches deep, fourteen inches wide; average height from bottom of trench, twenty inches; time occupied, fifteen minutes; breadth of work thrown up, twenty-four inches.

In these two drills most every man suffered from having the palm of the right hand blistered and the skin taken off; also many suffered from having the skin rubbed off from between the first and second fingers. In these two drills three of the trowels were bent nearly straight.

Drill the second took place on September 14; number of men present, twenty.

1. A trench twenty-two feet long, ten inches deep, three feet wide; average height from bottom of trench, twenty-seven inches; breadth of work thrown up, three and a half feet; time occupied, fifteen minutes.

2. A trench twenty-one feet long, eight inches deep, thirty inches wide; average height from bottom of ditch, twenty-five inches; breadth of work thrown up, thirty inches; time occupied, fifteen minutes.

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In this drill, (the men having their hands blistered in the previous drill of the 13th instant,) the effect of the trowel upon the palm of the right hand was far more severe. Some of the men were forced to quit working.

In this drill eleven of the trowels were broken and badly bent.

The ground upon which these intrenchments were thrown up was soft from the late rains.

From the experience gained in these two drills, I am not in favor of the trowel-bayonet.

Very respectfully, your obedient servant,

EDWD. MOALE,
Captain Third Infantry, Commanding Company A.

POST ADJUTANT.

FORT DODGE, KANSAS, *September* 18, 1871.

Lieutenant WILLIAM A. KOBBÉ,
Third Infantry, Post Adjutant:

The trowel-bayonet experiments were conducted in accordance with the printed directions forwarded by the inventor.

The experiments were conducted after a heavy rain.

It took the men of my company, in double rank, forty minutes incessant labor, to accomplish what the inventor claimed would be performed in four minutes, to wit: earthwork eighteen inches high, twenty broad at top, and forty at base.

No experiments in double rank, face to face, were made, as such seemed an absurdity after the signal failure of the first.

A number of the men had blood-blisters on the palms of their hands and a few skinned some. The *morale* of men armed with this trowel-bayonet cannot fail to be bad.

The imperfections of manufacture aside, I consider the trowel-bayonet as issued a failure.

Very respectfully, your obedient servant,

LOUIS T. MORRIS,
Captain Third Infantry.

HEADQUARTERS, FORT HAYS, KANSAS,
August 2, 1871.

SIR: I have the honor to forward herewith the reports of Captain E. P. Ewers, commanding Company E, Fifth Infantry, and of First Lieutenant Q. Campbell, Fifth Infantry, who had charge of the drills of Company G, Fifth Infantry, in reference to Rice's patent trowel-bayonet.

I was present at parts of the drills of each company in the use of this bayonet as an intrenching tool, and found it to lack the merits claimed for it.

Very respectfully, your obedient servant,

SAM'L OVENSHINE,
Captain Fifth Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of the Missouri, Fort Leavenworth, Kansas.

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COMPANY E, FIFTH UNITED STATES INFANTRY,
Fort Hays, Kansas, July, 1871.

SIR: In compliance with letter of instruction from headquarters Fort Hays, Kansas, dated May 8, 1871, I respectfully submit the following report upon the trowel-bayonet:

The first trial in digging trenches was made in soft, sandy soil. Eight men worked five minutes; then seven others the same length of time. Result: Trench twenty-five feet long, sixteen inches wide, and six deep; two bayonets split, two badly bent, eight slightly bent; the men's hands made very sore. Second trial, same morning, on soft prairie sod. Seven men, working five minutes, made seven holes, each about twenty-four inches long, twelve wide, and four deep; one bayonet broken, one split, and all very much bent; two men had their right hands very badly blistered. This was on low ground, the sod not being over four years old.

In intrenching on high ground, (sod,) seven men in five minutes dug seven holes, each about twenty-four inches long, sixteen wide, and four deep; one bayonet broke, one split, and all badly bent. Seven other men then worked the same length of time upon the hole already begun, making a trench twenty-four feet long, sixteen inches wide, and six deep; one bayonet broken, all badly bent.

Several other trials were made at different times and places, with about the same results.

Two of the best intrenching men were selected from the company, and ordered to try and see how quick they could intrench themselves. After twenty-five minutes very hard and incessant work, one of the men made a hole three and one-half feet long, twenty-eight inches wide, and six deep, and a loose earthwork twenty-four inches across the base, thirty long, and thirteen high; one bayonet broke asunder in the center, another badly bent, and his hands made very sore.

The other man did not accomplish more than two-thirds as much, as the ground was firmer, although not more than four feet away.

In all trials, the bayonets, when broken, were at once exchanged, so no time should be lost; some bent so easily that it was almost impossible to work with them; others were so highly tempered that they would break before bending.

In attempting to use the bayonet as a "camp tool," in cutting tent-sticks, &c., it failed in every instance to accomplish as much as a camp-hatchet or a good knife.

With one pick and one spade, eight men in five minutes (each man working one and one-fourth minutes) dug a trench fifteen feet long, twelve inches wide, and five deep; eight others working in the same manner and length of time upon this trench, made it twenty feet long, sixteen inches wide, and ten deep.

Six men, each with a camp-hatchet, in five minutes dug a trench ten feet long, eighteen inches wide, and six deep. These last two trials were on prairie sod, equally as hard and firm as the ground on which the trials with the bayonets were made. An average of the work done each time was taken, as some men would do three times more work than others.

After having been used as an intrenching or camp-tool, and marred and bent, it is not fit to be used as a bayonet, and as it can be but partly straightened by the soldiers, it will not properly fit the scabbard.

When the musket is carried at a support and the bayonet in the scabbard, the shank strikes against and mars the stock; this cannot be remedied with the present bayonet-scabbard attachment.

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It cannot be used to stack arms, nor can the arms be stacked with the rammers.

In marching at double time it is continually dropping out of the scabbard.

The soldier does not have the same confidence in it as in the one now in use, as it can be more readily wrested from the musket or caught hold of.

I am decidedly opposed to the change.

Very respectfully, your obedient servant,

E. P. EWERS,
Captain Fifth United States Infantry, Commanding Co. E.
POST-ADJUTANT,
Fort Hays, Kansas.

Indorsement.

HEADQUARTERS FORT HAYS, KANSAS,
August 2, 1871.

Approved.

SAML. OVENSHINE,
Captain Fifth Infantry, Commanding.

FORT HAYS, KANSAS, *July* 8, 1861.

SIR: After several fair and exhaustive trials with the Rice trowel-bayonet, in different soils, I respectfully submit the following report concerning its adaptability as an intrenching tool, and for other purposes as a camp-tool.

The first trial was made on the prairie turf. The bayonet failed to accomplish anything in the way of ditching or embanking, claimed for it by its inventor, many being broken and all bent, without making a hole or embankment nearly large enough to conceal the head of a man, even when closely hugging the ground; this, after an exhausting half hour's work, using reliefs, as directed in Brevet Lieutenant Colonel Rice's "directions for using this bayonet." I am fully convinced that this bayonet is useless for such purposes in a grass-growing, closely knitted turf country.

The second trial was made in a deserted dirt roadway, with no better results than in the first instance.

The third trial was made in a loosely built soil, of about the compactness of a year-old plowed field, unused. The results have been somewhat better. Yet the most persistent and active work will not and did not construct a bullet-proof embankment or a sufficiently deep ditch to well screen a man. One half hour was given to this trial, with no good or practical results, in the form of a ditch and embankment nearly resembling a decent temporary field-work, rifle-pit, or defensive work of any kind. The bending of the bayonet occurred here, as in the previous trials. A hatchet or the old bayonet, with a tin plate or cup, would effect fully as much as this bayonet. One spade in the hands of a single man could better screen ten men from the fire of an enemy in half the length of time.

The fourth trial was made in loose, sandy soil, with no better results than in the immediately previous attempt, with this additional objection: the flattened portion of the bayonet is too small to retain much earth upon its surface after being inserted into the ground and with-

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drawn preparatory to casting the dirt in front of the excavation. The usual bending occurred.

In every instance the hands of the men using the bayonet were badly blistered.

The above trials were made at different times and the trial repeated in each soil several times.

From the above trials, personally superintended by me, I am forced to conclude that this bayonet is useless for the fulfillment of the supposed requirements for which it was constructed. The fault, breaking and bending, could be remedied by introducing better metal; yet, were it made of flexible steel, its flexibility would injure its usefulness as a ditching tool; made of a compact, brittle steel, the liability to breakage would be greater than now.

As a camp-tool it is more than equaled by the hatchet and ax, for ditching about tents, &c. As a cutting instrument, some such purpose being claimed for it, I deem it useless, being so liable to bend and break. As an offensive weapon, it is not equal to the old bayonet now in use, the great extent of flattened surface rendering it less sure of inflicting a prompt, sure, and serious wound, in case of a charge or the repulse of an attack; this same extent of surface making such prominent projections near the shank of the bayonet renders it quite likely to be wrenched from the gun, or the musket itself be pulled from the hands of the soldier, in case of an interlocking of bayonets or sabers and bayonets.

Finally, if the bayonet is to be used at all, this one not being the weapon, offensively or defensively, claimed for it, is subject to the further objection of not being ornamental. The old bayonet is preferable, being fully as useful, more ornamental, and a better offensive weapon. This bayonet, the "Rice," wears an uncouth and ugly appearance on the musket; as worn in the scabbard, interferes with the movements of the piece when handled at drills, parades, &c. I see no way of remedying this.

I am, sir, very respectfully, your obedient servant,

QUINTON CAMPBELL,
First Lieutenant, Fifth Infantry.

COMMANDING OFFICER
Company G, Fifth Infantry, Fort Hays, Kansas.



Indorsements on the foregoing.

FORT HAYS, KANSAS, *July* 9, 1871.

Respectfully forwarded to headquarters Fort Hays, Kansas.
Approved.

SAMUEL OVENSHINE,
Captain, Fifth Infantry, Commanding Company G.

HEADQUARTERS FORT HAYS, KANSAS,
August 2, 1871.

Approved.

SAMUEL OVENSHINE,
Captain, Fifth Infantry, Commanding.

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HEADQUARTERS FORT LYON, COLORADO TERRITORY,
September 16, 1871.

SIR: Your communication of the 8th instant received. In reply, I would say that the trowel-bayonets referred to are in the hands of the enlisted men, and are being tested in such manner as will enable me to make an intelligent report, based on the actual use, for a time, of the bayonet on all kinds of duty.

No letter of May last from your office has been received at these headquarters on this subject.

Very respectfully, your obedient servant,

JNO. R. BROOKE,
Lieutenant Colonel Third Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of the Missouri, Fort Leavenworth, Kansas.

HEADQUARTERS FORT LYON, COLORADO TERRITORY,
September 27, 1871.

SIR: In compliance with letter dated 8th instant, I have the honor to make the following report on the trowel-bayonet. I would suggest, first, that the shank be made at least one and a half inches longer; at its present length it blisters the hand; which, being done, in my opinion, will make the weapon as follows:

1. As a weapon of offense or defense it is equal to the bayonet now in use.
2. As an intrenching tool it is invaluable in active field-operations.
3. For garrison or other duty in time of peace it is equal to the one now used.

I have tried these bayonets for three months on all kind of duty, and the verdict of the men using them is, "We prefer them to the old bayonet."

I cannot too strongly recommend their introduction.

Very respectfully, your obedient servant,

JNO. R. BROOKE,
Lieutenant Colonel Third Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of the Missouri, Fort Leavenworth, Kansas.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE OF THE CHIEF ENGINEER,
Fort Leavenworth, Kansas, Nov. 1, 1871.

SIR: On October 7 I was invited by First Lieutenant E. Rice, Fifth Infantry, to witness a trial of the trowel-bayonet invented by himself. The troops were composed of detachments of the companies of the Fifth Infantry stationed at Fort Leavenworth, and, as formed, gave a company of about sixty men. Many of these had not used the bayonet as an intrenching tool at all, while some had used it once or twice before. The ground selected for the experiment lay in the river-bottom and by the side of a country road. The soil was a clayey loam, in which a small proportion of sand intermixed made it not so stiff, as is generally inferred when the word clay is used. On the top a light sod of grass and weeds made the first cutting more difficult, but also gave larger pieces. An

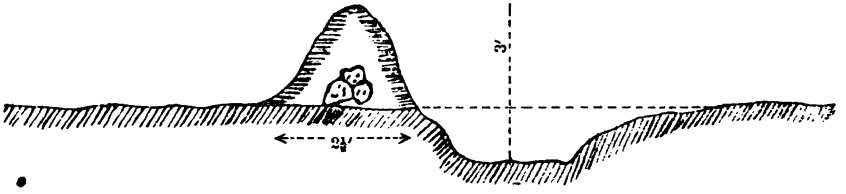
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absence of stones or even pebbles, and also of roots, simplified the process of digging. A Virginia rail fence running alongside of the road was taken advantage of in throwing up the breastwork. At the command the company grounded arms, and, drawing bayonets, half were employed in breaking ground, while the other half brought up rails, until the fence directly in front of the detachment was used in the breastwork. All the men were then employed in throwing up the earth of the breastwork.

The men worked in the way most convenient to them and their neighbors, though most found that kneeling on one knee gave the best chance, especially at first, before the ditch became of any depth.

At the end of fifteen minutes, as timed by myself, work was stopped and the trench completed.

As it then existed, the height, from the bottom of the ditch to the top of the breastwork, averaged about three feet. The base of the breastwork was about two and a half feet, and the section about like this:



It was then found that the company, lying behind the intrenchment, was not only completely protected, but also perfectly hidden, at a distance of thirty feet from the line. As a further examination, from one end of the breast-height the rails were then taken out, and the earth still left made a small mound of about two feet base and one and a half feet height. The earth was then cut down on the front face, to a perpendicular, and a number of shots from the improved Springfield rifle were fired by one of the men, lying down, at a distance of thirty feet from the line.

It was found that one and a half feet of earth stopped completely the ball, and that one foot would most generally stop it, and that the balls that penetrated this thickness were then harmless.

The breastwork still remaining then proved to be complete protection from an ordinary rifle fire.

From this trial I should conclude that in an hour's time, under most circumstances and in most kinds of soil, that a line could be thrown up, by the use of the trowel-bayonet, such as would give complete protection to a line of infantry, and that more time and labor could produce a line formidable even to light-artillery fire.

I am, sir, very respectfully, your obedient servant,

E. H. RUFFNER,
First Lieutenant, Engineers.

ASSISTANT ADJUTANT GENERAL,
Department of the Missouri, Fort Leavenworth, Kansas.

Indorsements.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, November 4, 1871.

Respectfully forwarded to the Adjutant General of the Army, (through Headquarters Military Division of the Missouri,) in connec-

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tion with other reports on the trowel-bayonets, transmitted in my letter of October 11, 1871.

JNO. POPE,
Brevet Major General, U. S. Army, Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Nov. 9, 1871.

Respectfully forwarded to the Adjutant General of the Army.

P. H. SHERIDAN,
Lieutenant General, Commanding.

FORT LEAVENWORTH, KANSAS, *November* 14, 1871.

SIR: I have the honor to submit the following as the result of a trial of the Rice trowel-bayonet, pursuant to instructions contained in the indorsement upon the letter of the Adjutant General of the Army to the commanding general Department of the Missouri, dated February 4, 1871.

The ground chosen for the trial was a grass-grown field; the soil of ordinary firmness. My company was then formed in one rank, and in this (their second) drill threw up, in seven minutes, an earthwork about two and a half feet high, and sufficiently substantial to turn bullets at ordinary range.

The friction of the shank of the bayonet upon the hands of the men would cause soreness and blistering, if the work of intrenching was continued for any considerable period, or if it was necessary to resort to it frequently, at short intervals. This defect, it is the intention of the inventor, I understand, to remedy, by affixing the bayonet to the piece by a handle similar to that used in the saber-bayonet. The greater leverage thereby obtained would give additional efficiency to the weapon as an intrenching tool.

In my opinion the bayonet-scabbard issued with the Rice bayonet should have the Hoffman attachment. This would cause them to hang on the waist-belt in a position more approaching the perpendicular. As at present suspended, they are liable to fall out of the scabbard when the soldier is marching in double-time, and besides interfere with the free and unembarrassed handling of the piece.

From the experience derived from several years of active servic during the late war, I should judge that this bayonet would prove invaluable in active field-operations.

Upon the whole, and taking into consideration the fact that the bayonet is a formidable weapon of offense or defense, I am of opinion that it possesses decided advantages over the bayonet at present in general use in the Army, and I would therefore respectfully recommend its adoption.

I have the honor to be, sir, very respectfully, your obedient servant,

DANGERFIELD PARKER,
Captain, Third United States Infantry, Commanding Company K.

ASSISTANT ADJUTANT GENERAL,
Department of the Missouri, Fort Leavenworth, Kansas,
(Through Headquarters Post of Fort Leavenworth, Kansas.)

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Indorsements on the foregoing.

First Indorsement.

HEADQUARTERS FORT LEAVENWORTH, KANSAS,
November 15, 1871.

Respectfully forwarded to the assistant adjutant general, Department of the Missouri.

N. A. MILES,
Colonel Fifth Infantry, Commanding Post.

Second Indorsement.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, November 20, 1871.

Respectfully forwarded to the Adjutant General of the Army, (through Headquarters Military Division of the Missouri,) in connection with other reports on the trowel-bayonet, transmitted in my letter of October 11, 1871.

JNO. POPE,
Brevet Major General, Commanding.

Third Indorsement.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, November 27, 1871.

Respectfully forwarded to the Adjutant General of the Army.

P. H. SHERIDAN,
Lieutenant General, Commanding.

FORT LEAVENWORTH, KANSAS, *December* 19, 1871.

SIR: I have the honor very respectfully to request information if the reports on trowel-bayonet from the Department of the Missouri have been acted upon.

Very respectfully, your obedient servant,

E. RICE,
First Lieutenant, Fifth United States Infantry.

ADJUTANT GENERAL UNITED STATES ARMY,
Washington, D. C.

ADJUTANT GENERAL'S OFFICE,
Washington, December 28, 1871.

SIR: In reply to your inquiry of the 19th instant, as to whether the reports on the trowel-bayonet from the Department of the Missouri have been acted upon, I have respectfully to communicate for your information the following remarks of the Chief of Ordnance, which are concurred in by the General of the Army and the Secretary of War:

"These reports upon the trowel-bayonet are conflicting, and satisfy me that it ought not, at this time, to be adopted for general service."

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant General.

First Lieutenant E. RICE,
Fifth Infantry, Fort Leavenworth, Kansas.

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FORT LEAVENWORTH, KANSAS, *January* 1, 1872.

SIR: I have the honor most respectfully to request that the action of the Chief of Ordnance in his indorsement dated October 24, 1871, on the reports concerning the trowel-bayonet, be not taken as final and conclusive upon its adoption.

The reports of the Saint Louis Army board of engineer officers, of officers of the Third and Fifth Infantry, who have experimented with it and used it in garrison, have been largely favorable, and have discussed all such objections as experiment, use, and experience suggested. None, however, have alluded to that, and the only one raised by the Chief of Ordnance, that men in field-service would bend their musket-barrels by using the trowel for digging, when fixed. The impression of the Chief of Ordnance, founded on no stated facts, is sufficiently overcome by the circumstance that the reporting officers found no such tendency during its use in the hands of men; otherwise they would have stated accordingly. There is no experience to rest the opinion upon, and it does injustice to the common intelligence and discipline of our Army, as well as to the officers who have experimented with it. A valuable improvement is disposed of by a theoretical objection, founded upon a notion of its possible misapplication in some cases. The soldier might as well be deprived of his ammunition because many waste it in action or because he may use it recklessly in camp. The value of the principle of the invention is involuntarily testified to by the Chief of Ordnance in his proposed substitute, a trowel at the belt, in addition to the bayonet, thus increasing the burden of the weighted soldier and the expense of his equipment, for the trowel-bayonet supersedes the old one, and can be furnished at the same cost, or a few cents more.

I therefore beg that further tests may be had before the invention is rejected, or that opportunity be given for further evidence, if needed. I request that a board of general officers, or of the infantry service, be convened to examine the reports heretofore made and report their opinion thereon.

I hope my earnestness may be pardoned, as it is inspired by a conviction of the value of the new bayonet, confirmed by the favorable opinion of many officers of rank and great experience, whose testimony could be procured.

I am, sir, very respectfully, your obedient servant,

E. RICE,
First Lieutenant Fifth U. S. Infantry.

Hon. SECRETARY OF WAR,
(Through the Adjutant General of the Army).

FORT LEAVENWORTH, KANSAS, *January* 10, 1872.

SIR: I respectfully beg leave to make the following representations induced by the indorsement of the Chief of Ordnance to the Adjutant General of the Army, concerning the trowel-bayonet.

The few adverse reports made by officers seem to have produced an impression which their relative weight should not entitle them to.

If the reports may be called conflicting, those in favor of the bayonet should overbear those approved, both on account of their number as well as on account of the experience and character of the officers who give the result of their experiments.

Favorable reports were made by General Miles, colonel Fifth Infantry, and General Brooke, lieutenant colonel Third Infantry, who both

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commanded brigades and divisions in the field during the war, (the first a corps;) also by Majors Lyman and Logan, Fifth Infantry; Captains Snyder and Bennett, of the same regiment, and Captain Snyder, Third Infantry.

Favorable additional reports, made by Majors Head and Parker, Third Infantry, have been forwarded since the date of the indorsement.

Captain Penrose, brevet brigadier general, United States Army, who commanded the Jersey brigade, and Captain Gageby, Third Infantry, write me that they would have made favorable reports, had opportunity been given them, the post commander, General Brooke, having made the report for his post.

Captain Ovenshine, Fifth Infantry, served on the plains during the war; Lieutenant Campbell, Fifth Infantry, joined from the Academy since the war; Captains Moale and Morris served as staff-officers. Colonel Jones, Third Infantry, acquired such a reputation that his opinion would not be respected by persons acquainted with the history of the war.

Reports of officers who have been engaged in war with troops should have greater weight than those who have not the advantage of such experience to aid their judgment in experiments.

In the practice with the bayonet a disadvantage arose from the want of scabbards, which were not received until September, and after some officers had made their reports, the bayonets having been issued in April.

As four-fifths of the officers are in favor of the bayonet, and, if opportunity were given me, I could add the favorable opinion of many officers of rank, I respectfully request that three or more regiments be supplied with it. I am certain that the result of such an issue will be to correct the impression of the Chief of Ordnance, that men will misuse the bayonet by employing it, when fixed, as an intrenching tool.

At this post, at this time, four companies out of the five, which have the trowel-bayonet, wear it in preference to the old bayonet.

This notwithstanding the inferior manufacture of the bayonets furnished for experiment, which were so badly made that some of them split in digging with them, others were filled with flaws, and all were so inferior that they could not be considered serviceable for actual service and were disgraceful to any armory or machine-shop.

Very respectfully, your obedient servant,

E. RICE,
First Lieutenant Fifth Infantry.

CHIEF OF ORDNANCE, *Washington, D. C.*,
(Through the Adjutant General, United States Army.)

First indorsement on the foregoing.

ADJUTANT GENERAL'S OFFICE,
Washington, January 16, 1872.

Respectfully transmitted to the Chief of Ordnance, with previous papers in this case, the return of which to the files of this office is requested.

E. D. TOWNSEND,
Adjutant General.

Second indorsement.

ORDNANCE OFFICE, *January* 31, 1872.

Respectfully returned to the Adjutant General, whose attention is in-

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vited to the indorsement of this office on the letter of Brigadier General Pope, of October 11, 1870, herewith returned.

The opinion expressed in that indorsement is still entertained by this Department, which has already expended about $6,000 in the manufacture of Lieutenant Rice's trowel-bayonets, scabbards, &c., for experiment.

I do not think that any further sum should be expended upon them, and I recommend that the request of Lieutenant Rice, to have three or more regiments furnished with his trowel-bayonets, be refused.

Great care was taken in the manufacture of these bayonets at Springfield armory.

A. B. DYER,
Chief of Ordnance, United States Army.

FORT LEAVENWORTH, KANSAS, *January* 25, 1872.

SIR: I have the honor to request information if a letter, written by me on the 1st of this month and addressed to the honorable Secretary of War, through the Adjutant General's Office, was received; and, if so, what action was taken thereon.

Very respectfully, your obedient servant,

E. RICE,
First Lieutenant Fifth, United States Infantry.

General E. D. TOWNSEND,
Adjutant General, United States Army.

HEADQUARTERS FORT HAYS, KANSAS,
February 7, 1872.

SIR: The reports upon the experimental trials of trowel-bayonets having been forwarded before I had an opportunity of indorsing my opinion upon them, I most respectfully submit the following:

I believe the trowel to be of very great use as a military implement; that it should be adapted for cutting; should have a handle the best suited for grasping with the hand for labor, and should not be used as a bayonet upon the rifle at all. So modified, for intrenching, cutting away undergrowth, cutting material for gabions, fascines, temporary shelters, and as a camp implement, I believe it to be of vastly more actual use than the old bayonet has been since the introduction of the rifled gun.

My objections to its use as a bayonet are—

1. That if used upon the gun, many new and undisciplined troops will attempt to use it as a working implement, fixed, and spoil the guns.

2. That, since the introduction of breech-loading and revolving firearms, I believe the bayonet to be obsolete. During our war, with the excellent opportunities for observation, I never saw nor knew of but two or three cases of bayonet thrust, and then we had neither revolving nor breech-loading arms.

3. As to the moral effect of bayonets, it is believed that real physical effects should be sought in all cases, and that the moral effects which follow will be the greater than where moral effects are sought primarily, as seen in Chinese warfare.

4. So long as the trowel is made to fix as a bayonet, the handle cannot be the best suited for grasping as an implement for labor.

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If the tradition of the bayonet is yet too strong to give them up, I would respectfully suggest that the old bayonet be kept as it is and the new implement added only as an implement.

I am, general, very respectfully, your obedient servant,

W. B. HAZEN,
Colonel Sixth Infantry, Brevet Major General.

General E. D. TOWNSEND,
Adjutant General United States Army,
Washington, D. C.

First indorsement.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, February 12, 1872.

Respectfully forwarded to the Adjutant General of the Army, (through Headquarters Military Division of the Missouri,) in connection with reports on the trowel-bayonet, forwarded from this office October 11, 1871.

JNO. POPE,
Brevet Major General, Commanding.

Second indorsement.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, February 16, 1872.

Respectfully forwarded to the Adjutant General of the Army.

In the absence of the Lieutenant General, commanding,

JAMES B. FRY,
Assistant Adjutant General.

Third indorsement.

ADJUTANT GENERAL'S OFFICE,
Washington, February 23, 1872.

Respectfully referred to the Chief of Ordnance.

E. D. TOWNSEND,
Adjutant General.

Fourth indorsement.

ORDNANCE OFFICE, *February* 27, 1872.

Respectfully returned to the Adjutant General, and his attention respectfully invited to my indorsement on General Pope's letter transmitting reports on the trowel-bayonet, viz: "November 1, 1871. Respectfully returned to the Adjutant General. These reports upon the trowel-bayonet are conflicting, and satisfy me that it ought not, at this time, to be adopted for general service. If a trowel-bayonet is given to the soldier, he will frequently use it for digging when it is 'fixed,' and there will be great danger of his bending the barrel and destroying the usefulness of the musket. I believe a small trowel, which can be carried in the soldier's belt, will be quite as effective for digging as the trowel-bayonet when not 'fixed,' and it would cost much less. Some should certainly be tried in service before the trowel-bayonet is adopted."

By order of the Chief of Ordnance.

S. V. BENÉT,
Major of Ordnance.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 261.

CLAIM OF CHICKASAW NATION.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

The claim of the Chickasaw Nation for interest due on certain State stocks belonging to the Chickasaw Nation fund.

APRIL 17, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 13, 1872.

SIR: I have the honor to submit herewith an estimate of appropriation required to pay the Chickasaw Nation of Indians the balance remaining due and unpaid on certain Arkansas and Tennessee State bonds held in trust by this Department for the benefit of said Indians, amounting in all to the sum of $297,890.25.

The accompanying copies of the report of the Commissioner of Indian Affairs, and other papers, it is believed, furnish full information upon the subject.

By the 10th article of the treaty concluded April 28, 1866, with the Choctaws and Chickasaws, (Stats. at Large, vol. 14, pp. 769,) it appears that the United States re-affirmed "all obligations arising out of treaty stipulations or acts of legislation, with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion." * *

In my opinion the provisions of the above article cover this case, and I therefore respectfully request the favorable action of Congress upon the estimate.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 9, 1872.

SIR: Referring to office report of the 29th ultimo, in relation to appropriations made by Congress for arrears of interest on certain State

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stocks held in trust by the honorable Secretary of the Interior as a portion of the Chickasaw national fund; also, to a communication from the honorable Secretary of the Treasury, dated the 4th instant, in relation to the same subject, (copy herewith, "A.") I have the honor to transmit a statement (inclosure "B") showing a balance found due and unpaid on account of arrears of interest on Arkansas and Tennessee State bonds, accruing while said bonds were held in trust by the Secretary of the Treasury, and from which it will appear that there is due and unpaid—

On $90,000 6 per cent. bonds of the State of Arkansas from January 1, 1842, to July 1, 1866, the sum of	$75,600 00
On $616,000 6 per cent. bonds of the State of Tennessee from January 1, 1861, to July 1, 1866, the sum of	203,280 00
On $66,666.66⅔ 5¼ per cent. bonds of the State of Tennessee from January 25, 1861, to July 1, 1866, the sum of	19,010 25
Amounting in the aggregate to	297,890 25

It will be seen by reference to the inclosed statement that the advances made by Congress, for a portion of the arrears of interest on the $90,000 Arkansas bonds, amounting to $56,700, has been deducted from the amount of interest accruing on said bonds for the period stated, and that no appropriations have been made by Congress for any portion of the interest accruing on the Tennessee bonds between dates given. It will also be seen, by reference to said account, that the amount of interest due and unpaid to the Chickasaws, on the stocks referred to, accrued prior to August 12, 1868, at which date late Secretary Browning, as trustee for said Indians, received said bonds from the custody of the Treasury Department, in accordance with an act of Congress, approved July 27, 1868. (Vol. 15, page 227.)

I herewith inclose an estimate of appropriation required to pay the Chickasaw Indians the amount remaining due and unpaid on the Arkansas and Tennessee bonds, held in trust for them as herein stated, and respectfully recommend that the matter be laid before Congress for its action.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Estimate of appropriation required to pay the Chickasaw Nation of Indians the balance remaining due and unpaid on certain Arkansas and Tennessee bonds held in trust for said Indians by the Secretary of the Interior:

For this amount, being the interest on $90,000 6 per cent. bonds of the State of Arkansas from January 1, 1842, to July 1, 1866	$75,600 00
For this amount, being the interest on $616,000 6 per cent. bonds of the State of Tennessee from January 1, 1861, to July 1, 1866	203,280 00
For this amount, being the interest on $66,666.66⅔ 5¼ per cent. bonds of the State of Tennessee from January 25, 1861, to July 1, 1866	19,010 25
Total	297,890 25

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Statement of arrears of interest on $90,000 6 *per cent. Arkansas bonds from January* 1, 1842, *to July* 1, 1866; $616,000 6 *per cent. Tennessee bonds from January* 1, 1861, *to July* 1, 1866; $66,666. 66⅔ 5½ *per cent. Tennessee bonds from January* 25, 1861, *to July* 1, 1866; *said bonds being a portion of the investment made for the Chickasaw national fund on account of carrying into effect the treaty with the Chickasaw Indians of October* 20, 1832, *in accordance with an act of Congress approved April* 20, 1836, (*vol.* 5, *page* 10.)

To arrears of interest accruing on $90,000 6 per cent. bonds of the State of Arkansas from January 1, 1842, to July 1, 1866, (24½ years)	$132,300 00
To arrears of interest accruing on $616,000 6 per cent. bonds of the State of Tennessee from January 1, 1861, to July 1, 1866, (5½ years)	203,280 00
To arrears of interest accruing on $66,666. 66⅔ 5½ per cent. bonds of the State of Tennesee from January 25, 1861, to July 1, 1866, (5 years 5 months and 6 days)	19,010 25
Total	354,590 25

Apr. 26, 1845	By amount appropriated by Congress, as per act approved March 3, 1845, (vol. 5, page 777,) on account of three years' interest due the Chickasaw Nation, from January 1, 1842, to January 1, 1845, on $90,000 Arkansas 6 per cent bonds	$16,200 00
Mar. 5, 1847	By amount appropriated by Congress, as per act approved March 1, 1847, (vol. 9, page 145,) on account of two years' interest due the Chickasaw Nation, from January 1, 1845, to January 1, 1847, on $90,000 Arkansas 6 per cent bonds	10,800 00
Aug. 12, 1848	By amount appropriated by Congress, as per act approved July 29, 1848, (vol. 9, page 254,) on account of interest on $90,000 Arkansas bonds, held in trust for the Chickasaw Nation	16,200 00
July 5, 1851	By amount appropriated by Congress, as per act approved March 3, 1851, (vol. 9, page 615,) on account of eighteen months' arrears of interest due the Chickasaw Nation, July 1, 1851, on $90,000 Arkansas bonds	8,100 00
Sept. 7, 1852	By amount appropriated by Congress, as per act approved August 31, 1852, (vol. 10, page 95,) on account of twelve months' interest due the Chickasaws on $90,000, from July 1, 1851, to July 1, 1852	5,400 00
	Total amount appropriated by Congress to be reimbursed to the Government when the interest is paid by the State of Arkansas	56,700 00
	By balance due the Chickasaw national fund on account of certain arrears of interest unpaid and unappropriated on Arkansas and Tennessee bonds for the periods stated in this account	297,890 25
	Total	354,590 25

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 262.

MAJOR GENERAL DON CARLOS BUELL.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of March 1, 1872, *relative to Major General Don Carlos Buell.*

APRIL 17, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *April* 13, 1872.

The Secretary of War has the honor to report to the House of Representatives, in reply to a resolution of the 1st of March, calling for a copy of the proceedings of the military commission, instituted by the War Department in the year 1862, to inquire into the military operations and conduct of Major General Don Carlos Buell, including all letters, dispatches, opinions, and orders on file in that Department relative thereto; that a careful and exhaustive search among all the records and files in this Department fails to discover what disposition was made of the proceedings of the commission and the papers annexed thereto; and that no record indicative of the nature of the report of the board or the conclusions reached by it can be found, other than what is contained in the accompanying papers, which are as follows:

Copy of the original opinion of the commission called to investigate the operations of the Army of the Ohio in Tennessee and Kentucky, under command of Major General Buell, United States Volunteers, with the views of the General-in-Chief thereupon.

Copy of a communication from General Buell of April 10, 1864, addressed to the Adjutant General of the Army, commenting upon the report of the board.

Copy of an unsigned communication reviewing the proceedings of the commission, which was referred to the Secretary of War by the Judge Advocate General, at the request of Lieutenant Colonel Piatt on the 23d of May, 1863.

Copy of a communication submitted by General Buell to the commission May 2, 1863, a copy of which was furnished the War Department by him April 11, 1864.

Copy of a communication from General Buell, April 11, 1864, transmitting copy last above named, and also a copy of a statement prepared

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by him for submission to the commission, reviewing the evidence taken before it, which is herewith.

Copy of General Orders No. 29 A, Headquarters Army of the Ohio, July 11, 1864.

WM. W. BELKNAP,
Secretary of War.

ADJUTANT GENERAL'S OFFICE,
Washington, December 11, 1871.

SIR: I have respectfully to inform you that the proceedings of the military commission convened by Special Orders No. 365, War Department, Adjutant General's Office, November 20, 1862, which investigated Major General D. C. Buell's operations in Kentucky and Tennessee, have been submitted to the Secretary of War, April 15, 1863. The accompanying correspondence of General Buell in review of the evidence before the military commission is all that could be found on the files in this office.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant General.

General JOSEPH HOLT,
Judge Advocate General, Washington, D. C.

OPINION OF THE COMMISSION.

The order convening the commission requires it to "investigate and report upon the operations of the army under the command of Major General D. C. Buell, in Kentucky and Tennessee." It further requires the commission to "report an opinion in the case."

Very early in its sessions the commission resolved to direct its investigations to the following points:

1. The operations of Major General Buell in Tennessee and Kentucky.
2. Suffering Kentucky to be invaded by rebels under General Bragg.
3. The failure to relieve Mumfordsville.
4. The battle of Perryville, and conduct there.
5. Permitting the rebels to escape without loss from Kentucky.
6. Inquire and report upon such other matters, touching military operations above specified, as, in the judgment of the commission, shall be beneficial to the service.

The first point really comprehends all the rest; but convenience required such a division of the subject.

The sixth point, it will be perceived, is general, and was made to cover such subjects as—

1st. General Buell's loyalty, against which there is no evidence worthy consideration.

2d. General Buell's policy toward the inhabitants of disaffected districts into which his operations extended. This we find to have been what is familiarly known as the "conciliatory policy." Whether good or bad in its effects, General Buell deserves neither blame nor applause for it, because it was at that time understood to be the policy of the Government. At least he could violate no orders on the subject, because there were none.

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2. SUFFERING KENTUCKY TO BE INVADED BY REBELS UNDER BRAGG.

We find that the rebels under Bragg concentrated at Chattanooga about the 22d of July, 1862, for the purpose of invading Kentucky. Prior to that, on the 11th day of June, General Buell with his army of the Ohio was ordered by General Halleck to march againt Chattanooga and take it, with the ulterior object of dislodging Kirby Smith and his rebel force from East Tennessee. We are of opinion that General Buell had force sufficient to accomplish the object if he could have marched promptly to Chattanooga. The plan of operation, however, prescribed by General Halleck, compelled General Buell to repair the Memphis and Charleston Railroad from Corinth to Decatur, and put it in running order as a line of supply during the advance. While that road proved of comparatively little service, the work forced delays that a prompt march upon Chattanooga was impossible.

The delays thus occasioned gave Bragg time to send a numerous cavalry force to operate against General Buell's lines of supply which were unnecessarily long. So successful were the incursions of the cavalry that no opportunity was found, after the Memphis and Charleston Railroad was completed to Decatur, to concentrate enough of the army of the Ohio to capture Chattanooga and execute the ulterior purposes of the expedition.

The massing of the rebel force at Chattanooga compelled a relinquishment of the design against that place; after which General Buell was required to exert all his energies to prevent the recapture of Nashville and the invasion of Kentucky. This he could have done, in our opinion, by an early concentration of his army at Sparta, McMinnville, or Murfreesborough, with a view to active offensive operations against Bragg, the moment he debouched from the Sequatchie Valley. Instead of that, he waited until the 5th of September, before concentrating at Murfreesborough, from which he retired to Nashville, thereby allowing Bragg to cross the Cumberland River without interruption. The commission cannot justify the falling back from Murfreesborough to Nashville, but is of opinion that it was General Buell's duty from that point to have attacked the rebel army before it crossed the Cumberland; and it is believed that, had that course been pursued, Bragg would have been defeated.

3. THE FAILURE TO RELIEVE MUMFORDSVILLE.

In the relative movements of the armies of General Buell and Bragg, Mumfordsville was important on account of its railroad bridge over Green River and its natural strength as a position for battle. Bragg moved upon it by way of Glasgow, and not anticipating great resistance, he dispatched a column in advance of his main body to take it. The column was repulsed by the garrison on the 14th of September.

Bragg then moved his whole army against the post. On the 17th of September it was justifiably surrendered.

The order to hold Mumfordsville proceeded from General Wright, commanding the Department of the Ohio, of which Kentucky formed a part. It was given in expectation that General Buell would reach the place in time to save it. General Wright seems to have no certain information upon which to base his expectation, at the time the order was given. He only knew that both Bragg and General Buell were advancing toward it. Nor was there any undertaking on General Buell's part to relieve the garrison, or any preconcert of action whatever respecting it.

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We are of opinion, therefore, that the orders given the commander of the post should have left him discretion to fight or retire, according to circumstances. As it was, the order was to hold it to the last.

Had not Bragg moved so quickly on Mumfordsville he would have been attacked at Glasgow by General Buell, who was moving to the attack when the surrender took place. Defeat of the rebels at Glasgow would of course have saved Mumfordsville.

While General Buell was on the march to Mumfordsville he heard of its surrender. Relief was then too late.

It is our opinion, therefore, that General Buell is not responsible for the capture of the town, except so far as his failure to attack Bragg south of the Cumberland River made him responsible for the consequences of that failure.

4. BATTLE OF PERRYVILLE, AND CONDUCT THERE.

General Buell left Louisville about 1st of October with a force superior, in our judgment, not only to Bragg's army, but to the armies of Bragg and Kirby Smith united. His routes were well chosen, and the advance of his columns admirably regulated. His immediate object was to attack the rebels and destroy them. Failing in that he was to drive them out of Kentucky.

Engagement was expected at Bardstown, but Bragg sullenly retired toward Perryville, at which place, it would seem from his orders and instructions to corps commanders, General Buell next intended to attack him on the 9th of September. Positions for the formation of the line of battle were defined in those orders. Accordingly, on the morning of the 8th, Gilbert, with his corps, was in position in the center; McCook, with his corps, (less Sill's division,) arrived on the left about 9 o'clock, and Thomas, in command of the right wing, (Crittenden's corps,) reached his position, and reported his arrival to General Buell about noon.

About 2 o'clock in the afternoon the enemy poured a heavy column of attack upon McCook, effecting, in our opinion, a partial surprise. The contest, however, was obstinate and bloody, and ended by nightfall, at which time McCook's right had been turned and driven back, with serious loss. The duration of the battle was about five hours.

There can be no question about its being the duty of somebody to assist McCook. As his right had been posted not exceeding three hundred yards from Gilbert's left, and as the severest fighting was on McCook's right, we cannot see why Gilbert did not re-enforce him when so requested. He should have done it, if for no other reason than because McCook's discomfiture exposed his own flank. Nothing but positive orders fixing and holding him in his position can justify his failure; if such there were, they have not been heard of in the testimony; moreover, it is clear that all General Buell's orders were in preparation for attacking the next morning, not in anticipation of being attacked that day. In this latter event, therefore, the exercise of discretion could not have been improper, if the action taken had been promptly reported to headquarters, particularly as General Buell was not on the field for instant consultation. As it was, assistance did not reach McCook until about dark.

General Buell established his headquarters about two miles and a half from the front on the Springfield road. He was not on the field or along the line during the day, and had no intelligence of the attack on McCook until 4 o'clock in the evening. About 2 o'clock a heavy

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and furious cannonading was heard at his headquarters, and coming out of his tent he said, "There was a great waste of powder over there," and directed General Gilbert, who was with him at the time, to send an order to the front "to stop that useless waste of powder." It is clear to us that General Buell did not believe a battle was in progress, and that he supposed the firing heard was from some reconnaissance. On this point it is our opinion that he should either have been on the field in person, ready for emergencies and advantages, or have taken, and required to be taken, every precaution for the instant transmission of intelligence to his headquarters. As he had an organized signal corps with his army, this failure was all the more culpable. And in this connection we are of opinion that General McCook's failure to send up instant notice of the attack upon him in force was equally culpable.

We find that during the greater part of the attack on McCook, Gilbert's corps was unengaged, while Thomas's wing had not so much as a demonstration made against it. We have reason to believe also that all Bragg's army at Perryville at the time was flung upon McCook, and that his lines of retreat by way of Harrodsburgh and Danville were so exposed that, after 4 o'clock, they could have been to a great degree, if not entirely, cut off if Crittenden's corps had been vigorously pushed forward for the purpose. In our judgment, the opportunity slipped through General Buell's absence from the field, or on account of his ignorance of the condition of the battle.

We are very sure that, if he could have ordered supports to McCook at an earlier hour than he did order them, the attack would have been repulsed with less loss to himself and greater to the enemy.

5. PERMITTING THE REBELS TO ESCAPE WITHOUT LOSS FROM KENTUCKY.

It cannot be said that the rebels escaped without loss from Kentucky. Besides their killed and wounded at Perryville, they were compelled to destroy a large quantity of stores, which had been collected at Camp Dick Robinson. The morning after the battle it was very early discovered that Bragg had retreated from his positions near Perryville, and that his army had for the most part gone in the direction of Harrodsburgh. Leaving all his sick and wounded and some material at Harrodsburgh, and being joined by Kirby Smith, he hastened across Dick's River to Camp Dick Robinson; there he destroyed and abandoned the stores mentioned, and resumed his retreat. In these movements the march of his columns was hurried; that part of it from Perryville to the river was confused and disordered. Our opinion is that if General Buell had taken up a vigorous pursuit as soon in the morning of the 9th as the retreat was discovered, the check received by the rebels at Perryville would have been turned into rout, with all its consequences. But the manner in which they were followed to Harrodsburgh can hardly be called a pursuit. General Buell should have endeavored by energetic movement of his whole army to crush them somewhere between Perryville and Dick's River.

From Camp Dick Robinson Bragg had but two roads left him by which he could hope to escape from Kentucky; dividing his forces at Crab Orchard, one portion of them could go out by way of Cumberland Gap, the other by way of Somerset. Had General Buell intercepted him on these lines, as we think he could have done, from either Perryville or Danville, Bragg would have been compelled to give battle with

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the same results, we doubt not, as if he had been defeated before crossing Dick's River.

The evidence establishes that General Buell received information on the night of the 10th that Bragg had crossed the river to Camp Dick Robinson, yet he made no determined movement with the main of his army until 12 o'clock in the night of the 13th. From the morning of the 9th to the night of the 11th he waited to learn whether his enemy would cross the river; that being definitely known, he lost two days before taking any decisive action. Finally, on the night of the 13th, as stated, he started Crittenden's corps through Danville toward Crab Orchard. It was then too late. Bragg, with his column and all his train, had passed the point of interception. To this delay we are compelled to attribute the escape of the rebels from Kentucky.

LEWIS WALLACE,
Major General, and President of Commission.

DONN PIATT,
Lieutenant Colonel United States Volunteers, Judge Advocate.

HEADQUARTERS OF THE ARMY,
Washington, D. C., May 29, 1863.

As the commission has reported no charges against Major ——— D. C. Buell, nor recommended any further proceedings, I respectfully recommend that the commission be dissolved and its officers, as well as General Buell, be ordered on other duty.

So much of the report as states that General Buell's march on Chattanooga was delayed by the repairs of the Memphis and Charleston Railroad, and that General Buell's lines of supply "were unnecessarily long," is incorrect. General Buell had no other line of supply than this road till he reached Decatur and connected with Nashville. General Buell was not delayed an hour beyond what he himself deemed necessary to secure his supplies.

Moreover, his lines of supply were those which he himself selected. Indeed, there were no others from which to select. The fault here, as elsewhere, was having too large supply trains, and in not living more upon the country. He was frequently urged to subsist his troops in this manner. Whether or not he could have done so is not reported by the commission.

H. W. HALLECK,
General-in-Chief.

ADJUTANT GENERAL'S OFFICE,
Washington, March 22, 1872.

Official copy.

E. D. TOWNSEND,
Adjutant General.

BALTIMORE, MARYLAND, *April* 10, 1864.

SIR: I have heard that the Secretary of War intends to publish in general orders the result of the investigation of my military operations in Kentucky and Tennessee during the summer of 1862, by the military commission organized by Major General Halleck. Supposing that the pressure of official business may thus far have prevented the Secretary

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from making a careful examination of the record, which is very voluminous, and believing that such an examination will essentially modify the effect of the manner in which the commission has stated facts, and refute many of its opinions, my object is to ask attention to some of the features of the report and to request that its publication may be accompanied by the official decision of the Department.

The report premises by saying that "very early in its session the commission resolved to direct its investigations to the following points," and it specifies six "points." It would appear from this as though the first steps in the inquiry had developed ground for these six grave questions. The truth is that they had been submitted in the instructions under which the commissioners acted. I do not consider this discrepancy unimportant. The report then takes up in their order the several subjects referred to; the first, however, "The operations of General Buell in Kentucky and Tennessee," being disposed of as being included in the other five.

2. SUFFERING KENTUCKY TO BE INVADED BY THE REBELS UNDER BRAGG.

But few facts are given on this subject, and those are vague and indefinite. What is meant by saying that my lines of supplies were "*unnecessarily* long?" It is true that I was more than three hundred miles from my base, the Ohio River, with only a thread of railroad for communication; but how could the line be said to be unnecessarily long when it was impossible to make it shorter? On more material points the report is silent. Nothing is said of the strength of the enemy, nor of some of the most important of his movements; nor of the strength of my army, nor of the state of my supplies, but the commission contents itself with expressing the belief that "by an early concentration of my army at Sparta, McMinnville, or Murfreesborough, with a view to active offensive operations against Bragg the moment he debouched from the Sequatchie Valley, he would have been defeated." Subsequent events have confirmed what the evidence abundantly shows, that the force under my command was inadequate for the mission it had undertaken. The statement in which I reviewed the evidence before the commission presents this subject more circumstantially, and I extract from it here. After explaining the embarrassment under which I had labored in consequence of the enemy's large cavalry force operating on my communications, the statement continues:

"The railroad from Nashville to Stevenson was completed on the 28th of July; that from Nashville to Decatur, on the 31st, and preparations commenced for an advance. Supplies were pushed forward to the depot at Stevenson; the ponton-bridge was gotten ready to be laid; the wagon trains, which had been in use on the Decatur road, were thrown across to Decherd, from which point they could be moved rapidly to Stevenson; and the troops, including General Thomas's division, which arrived at Athens and Huntsville about the 31st of July, were moved so as to be in convenient positions for the same object. In the mean time the enemy continued his operations with large bodies of cavalry against our long lines of communication through Tennessee and Kentucky, seconded in Tennessee by the organization of guerrilla bands, which swarmed in every part of the country. These latter were frequently encountered and defeated by detachments of our small cavalry force; but the former moving in superior force, and striking at vulnerable points, were generally successful, and finally, on the 10th of August,

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severed effectually our communication between Nashville and Louisville. In addition to the destruction of our lines of communication, the effect of these operations and of the formidable preparations which were reported and believed to be in progress for the invasion of Middle Tennessee and the capture of Nashville, was to intimidate our friends and embolden our enemies among the people, who not only would not bring in supplies voluntarily, but used every means to prevent us from finding them; so that nothing could be obtained from the country except by means of our own trains under the protection of strong escorts. On the 6th of August I gave orders for fortifying Nashville, to make it secure with a small garrison against any attack from cavalry.

"On the 10th of August Morgan again made his appearance at Gallatin, surprised and captured the garrison, amounting to one hundred and fifty infantry; then moved toward Nashville, destroying several bridges and capturing the guards; then toward Bowling Green, destroying the tunnel seven miles north of Gallatin, and several tressel-works and small bridges in that region. He was, however, handsomely repulsed in some instances by the small force opposed to him in these attacks. Simultaneously with this, Forest, with a large force, moved toward the Cumberland River, to be in a position to support Morgan, or threaten Nashville, if it should diminish its garrison, which consisted of about two thousand men. Immediately after the occurrence of the first raid I determined to withdraw my cavalry as much as possible from its service in detachments against the bands of guerrillas which infested the roads, and concentrate it in large bodies. By supporting them with infantry, equipped to move lightly, I hoped to be able to drive the enemy's heavy cavalry force from the lines. One of these commands I designed should operate from Murfreesborough, and another from McMinnville. An experienced cavalry officer was assigned to the command of the former, with general instructions which allowed him a good deal of discretion. The zeal of this officer caused him to move in pursuit of the enemy, with about seven hundred men, before the whole of his command had joined. On hearing of this, and knowing that he was outnumbered by the enemy, I dispatched instructions for re-enforcing him with infantry from McMinnville, if he could be reached, and to sustain him until he had sufficient strength. The instructions did not, however, reach him, nor could his whereabouts be ascertained so as to re-enforce him. Hearing that Morgan had again appeared in the neighborhood of Gallatin, he crossed the river, at Hartsville, in pursuit, engaged Morgan's force not far from that place about the middle of August, was defeated, and himself and some one hundred and fifty of his men taken prisoners. The remainder made their escape, in stragglers and small bodies, to Nashville. The strength of Morgan's band at this time was estimated at from fifteen hundred to three thousand.

"Work was immediately commenced to repair again the road north of Nashville, but the continued presence of Morgan's force in that quarter made it impossible to carry it beyond Gallatin, except by withdrawing from the front so large a force as to preclude the idea of an advance; and I, therefore, determined to defer it until it could be protected by a force which I hoped might come from Louisville, of the new troops that were being called out. On the 16th of August I ordered Major General Nelson to Kentucky to command, and sent with him three general and some other officers of experience, and two batteries of artillery. The position required an officer of his rank, and I had great confidence in his energy and ability.

"While the enemy was producing this serious embarrassment by the

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operations of his large cavalry force, regular and irregular, on our long lines of communication, he was collecting a large army at various points in Tennessee, from Chattanooga eastward. For a considerable time the main point of concentration was doubtful, and the railroad facilities which the enemy possessed enabled him to concentrate speedily at any point. General Bragg arrived in person at Chattanooga on the 28th of July, by which time his whole force was within easy reach of that point; and from that time reports were current of his intention to assume the offensive. Sometimes they were quite positive that he was already crossing the river at Chattanooga, Kingston, and other points.

"The lowest estimate that could be made of the force with which the enemy was prepared to advance, according to the best sources of information, was sixty thousand men. That has, I think, been more than confirmed by the evidence before the commission. Eye-witnesses estimated the force as high as one hundred thousand.

"My dispatch of the 7th of August to the general-in-chief, Major General Halleck, gave information on this subject somewhat in detail, and not in a discouraging tone, for I was continuing my preparations to advance, and was, in my own mind, disposed to make perhaps more than due allowance for exaggeration in the information that reached me. I was the more confident when, on the 10th of August, General Halleck authorized me to call on General Grant for two divisions, if I should find it absolutely necessary. On the 12th I requested General Grant to send the divisions, intending to use one of them to protect my communications with Louisville, and bring the other to the front; but their movements were at first involved in some uncertainty. At a later period I could get no information of them at all, and feared that General Grant had not been able to spare them, as he was himself threatened. One of them reached Murfreesborough on the 1st, and the other Nashville about the 12th of September.

"Very soon the information of the enemy's intention took such shape as to leave no doubt that he was about to invade Middle Tennessee with a superior force, and to make it proper to suspend the accumulation of supplies at Stevenson, and establish a depot at Decherd, as being most suitable for that disposition of my troops, which the designs of the enemy, as far as they could be divined, rendered proper to oppose him. The information pointed to Nashville as his principal aim, and justified the conclusion that at least he believed he had force enough to accomplish his object. It was ascertained that the number of my troops was quite accurately known to him. The route which he would take was altogether a matter of conjecture, to be founded on probabilities. McMinnville was mentioned very often in the information which reached me, as the first point of attack, and they were so frequent that I deemed it proper to strengthen the force in that quarter; but the difficulty of crossing the mountain weakened the probability of an advance in that direction, while an advance into North Alabama was not only spoken of in connection with the enemy's plans, but offered many advantages. By crossing Waldron's Ridge into the Sequatchie Valley, he had a good, level road down that valley to Battle Creek, which was an indefensible position for us while he occupied the opposite side of the Tennessee River with his artillery. This would keep him in constant communication with his supplies at Chattanooga, by means of the railroad on the opposite bank, and the steamers which he had; his large cavalry force operating against Nashville, and on my lines of communication, would compel me to employ at least twenty thousand men to protect them even that far, leaving about twenty-five thousand men to oppose

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his advance in front. If the column from Kingston should advance on Nashville, I should be compelled to fall back in the face of even an inferior force, for the protection of that place; and thus both Alabama and the principal part of Middle Tennessee could be reclaimed by the enemy without necessarily risking a battle. It is not too much to say that fifty thousand men thus employed on this theater of operations, with the superior cavalry force which the enemy had, would be an overmatch for sixty thousand operating upon lines of such depth, in the midst of an unfriendly population.

"Such were the inducements which an advance upon Battle Creek offered to the enemy, even supposing that I was entirely on the north side of the Cumberland ridge, say, at Decherd; but, in fact, he was well aware that I still occupied North Alabama, with some twelve thousand men at Battle Creek, while the rest of my force extended as far north and east as McMinnville. If he could reach Battle Creek before the force at that place should extricate itself by moving to the east, it would have to go around by the way of Huntsville, and thus make a march of one hundred and twenty miles to reach Decherd, the nearest point at which it could possibly form a junction with the forces north of the mountain, while he, by a march of twenty-five miles from Jasper, could reach the same point, and thus throw his whole force between my scattered troops. The position at Battle Creek is, for a force whose communications are on the north side of the mountain, one of the worst that can be imagined against an enemy coming from the Sequatchie Valley, and holding the opposite bank of the Tennessee River. A spur of the Cumberland ridge comes to within two hundred yards of the river; Battle Creek runs at the foot of this spur, on the east side, emptying into the river near the point; the only position for troops is west of the spur; the road to Decherd, a distance of twenty-five miles, passes around the point of this spur and along its side up Battle Creek, in full view from the opposite side of the river and the creek; and there is no other road to the north side of the mountain practicable for loaded wagons short of Huntsville, distant seventy-five miles.

"For the double purpose of guarding against an attack in this faulty position and of observing the movements and checking the advance of the enemy in the Sequatchie Valley, I issued the instructions of the 19th of August to Major General McCook, my purpose then being to attack the enemy in the Sequatchie Valley, if possible, or to give him battle at the first point on his route where I could concentrate my troops.

"Those orders required General McCook upon the first intelligence of an advance of the enemy toward the Sequatchie Valley to move promptly up the valley to the Anderson and Therman road with the two brigades of his division which were with him, to check the progress of the enemy and observe his movements. If pressed, he was to fall back on the Therman road, deliberately, until he should form a junction with the main force coming from the side of McMinnville. The other divison which was with him at Battle Creek, General Crittenden's, was also to move up the valley to the Tracy City and Altamont road, which enters the valley ten miles below the Therman road. He was to support General McCook in the valley, watching the old Nashville and Chattanooga stage-road, which enters it from the Tennessee River at the point designated, and under like circumstances he was to fall back for a similar purpose on the Higginbottom road toward Tracy City and Altamont, where the junction would be formed.

"On the 20th I learned that the enemy was certainly crossing at Chatta-

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nooga and other points, and I immediately directed General McCook to execute the orders already described. On the same day I left Huntsville, visited the posts at Stevenson and Battle Creek, and the following day went to Decherd to direct the movements for the proposed junction. I deemed it of the highest importance, for political as well as military reasons, to maintain my position in North Alabama, if possible, in connection with those movements, for which the instructions of the 19th of August, given to General Rousseau, the officer in command in North Alabama, in anticipation of my advance upon Chattanooga, were equally applicable; but I reduced the force in that quarter somewhat, leaving a regiment in fortifications at Battle Creek, one at Stevenson, and two at Huntsville, besides the road guards and the force on the Nashville and Decatur line. The orders for the concentration at Altamont (see the instructions of the 23d of August to General Thomas) had reference to the plan of operations above referred to, for opposing the movements of the enemy, except that the information rendered it apparently certain that the enemy would advance on the Therman road, and that Altamont was the point farthest to the front at which he could be met. On the first supposition I had expected to intercept him in the Sequatchie Valley.

"In moving up the valley on the 20th, General McCook received information from his spies and scouts which made him believe that the enemy would be in the Sequatchie Valley, and therefore in a position to intercept him before he could march to the Therman road, and he therefore returned down the valley to the Higginbottom road. That road was found to be impracticable for his artillery, and he moved still nearer to Battle Creek, and put himself on the road which follows up Battle Creek and then crosses the mountain. I there sent him orders, on the 23d, to move to Pelham for the purpose of effecting the concentration at Altamont. The difficulties of the route prevented the concentration at the time appointed, and in the meantime information in regard to the movements of the enemy made it a matter of very great doubt whether it could be effected at that point at all before the enemy would anticipate it. The only alternative seemed to be to concentrate there or at Murfreesborough. I determined to accept the former, and gave the orders accordingly. Those orders anticipated that, from the greater difficulties General McCook had to overcome, the troops moving from McMinnville, under Major General Thomas, would reach Altamont first. The latter was instructed to attack the enemy's advance, if it should have reached there, and hold his position, if possible, until the other troops came up; and, in the event of being unable to do that, the various columns were instructed as to the roads by which they should fall back to form a junction in rear. General Thomas marched to Altamont with a portion of his force at the time appointed. He found no enemy, and, believing that he could not remain there for want of water, returned immediately to McMinnville. On his report, and in consequence of his action, I stopped the movement of all except General McCook's division, which remained at Altamont in observation until the final concentration at Murfreesborough.

"The information which I received still pointed clearly to the Therman road as the one by which the enemy would advance, if at all. It is the best road across the mountain, and has the advantage of branching at Altamont into no less than four roads, which descend the mountain to an arc forty miles long, from McMinnville on one flank to Decherd on the other. Still the movements of the enemy were less rapid than was expected, and placed him in a position to use that road, or

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those further east. Many officers doubted that he meant to cross out of the Sequatchie Valley at all, but supposed that his movements were only intended as demonstrations to cover the advance of his columns into Kentucky from Knoxville. In the mean time our supplies were diminishing rapidly, with no prospect of renewal until a sufficient force was detached to restore our broken communications. This pressing necessity left no time either to advance or to await the arrival of an enemy who could choose his time and route with a certainty that the necessity of subsistence would very soon compel me to fall back, in whole or in part, whether there was an enemy in front or not, as long as his cavalry continued its operations in rear. The news from Kentucky was unsatisfactory. The rebel force under Kirby Smith was coming into the State. There was nothing but new levies to oppose him, and it was not known what number of them had been collected. So far from being able to open the communication between Nashville and Louisville, and from Cumberland Gap to Lexington, it was not improbable that those places themselves might soon be seized by the rebel forces. Under these circumstances I determined to concentrate my army at Murfreesborough, and set to work to open the railroad north of Nashville. That object had already been delayed too long, upon the hope of having it done by a force from Louisville. Orders were accordingly given, on the 30th of August, to the various commands and guards distributed over an area of about one hundred and fifty by one hundred miles of territory and some three hundred miles of railroad, so as to concentrate on the 5th of September. The routes and marches were prescribed, and the movement was executed simultaneously and with perfect precision. With the exception of the force on the Decatur road, which was ordered to Nashville, the whole army, coming from various quarters and different distances on four roads, concentrated at Murfreesborough, on the 5th of September, bringing with it whatever supplies could be collected from the country. A small remnant of provisions, for which there was insufficient transportation, was destroyed at Huntsville, and, with that exception, not a pound of supplies was lost by the movement. After it was ordered I learned that a considerable quantity of cotton, belonging to persons who had purchased it in the country, was at Athens, awaiting transportation. In order to give them an opportunity to remove it, I delayed the evacuation of that place perhaps a day or so.

"On the 1st of September I learned that a large rebel force, under General Kirby Smith, had actually appeared in Central Kentucky, having defeated and routed the force under General Nelson at Richmond. This effectually cut off the division at Cumberland Gap from its base. I was anxious to rescue that force, and the shortest route by which it could be done was to direct a column from McMinnville, by the way of Somerset, upon the rear of Kirby Smith's army. I supposed that that might be done, and still keep a front about McMinnville toward the army of General Bragg in the Sequatchie Valley; while the two divisions, one of which had arrived that day from Corinth, should open the communications between Nashville and Louisville. The forces at McMinnville and in that vicinity had not yet withdrawn from their position, and I accordingly suspended their movement, leaving its execution, however, to General Thomas, who was at McMinnville, and had the best opportunity to know any movements of the enemy in the Sequatchie Valley that would affect it. He answered, stating the advantages of a concentration at Murfreesborough, and advising me that he would march the following day, and so the concentration was executed as originally ordered.

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"I proceed now to notice certain theories and opinions that have been advanced, concerning a plan of operations to oppose the movement of the rebel army across the mountain. As evidence, they are of no more value than though they had been expressed in idle discussion around a camp-fire, and are only entitled to credit according as they are correct in their premises and rational in their conclusions. They were new to me until this investigation had made some progress, and it appears that one of them in particular was promulgated after the arrival of my army in Louisville, where it was used as a text for criticism by officers who have not appeared as friendly witnesses before this commission.

* * * * * *

"But I do not propose to draw any advantage from the question, whether or not a proposition was made to me to concentrate at Sparta. If it had been made, I should have judged it according to its merits, with the lights before me at the time, and I do not doubt that I should have rejected it on grounds which I will state.

"Besides the road which crosses from Jasper to Decherd, and the one which ascends the valley and thence goes to Crossville, there are no less than three roads by which the enemy could ascend the mountain to debouch from the Sequatchie Valley. First, the Therman road, which passes through or near Altamont, and then branches into at least four roads that descend the mountain into the plains of Middle Tennessee, between Decherd and McMinnville, a distance of about forty miles; second, a road which ascends the mountain at Dunlap and passes to McMinnville; third, a road which ascends the mountain a short distance below Pikeville, and branches on the mountain, the left-hand branch going to McMinnville, and the right-hand forking again some twenty miles from McMinnville, one fork going to the latter place and the other to Sparta. There is also a road on the top of the mountain connecting all these roads. These geographical features would enable the enemy to arrive within twenty miles of McMinnville by not less than two roads before determining whether he would move on that point or Sparta, and by covering his movements with his superior cavalry force, he could easily arrive within six or eight miles of either of those points before his destination could be known at all; and it is twenty-two miles at least from McMinnville to Sparta. If I had been at Sparta, he could have been at McMinnville, and in possession of my line of supplies before I could have known it. If I awaited at McMinnville the development of his plan, he could have gone to Sparta and pursued his course as he did. If I had divided my force between McMinnville and Sparta, to anticipate him at both points, he would have advanced with reasonable probability of success against either of them; and if the fractions should have been so strongly fortified as not to warrant an attack, he could have avoided them, thrown himself between the two, and thus have forced them to retreat separately, or attempt the offensive against a concentrated force. General Thomas's own experience at McMinnville in obtaining information on which success would have depended, confirms my answer to one phase of this proposition, and is applicable to all of them.

"On the 31st he reports: 'The general impression is that the enemy is advancing, but I have yet to see the person who has seen any of the Chattanooga forces proper;' and the 2d of August, in reply to the discretional instructions heretofore alluded to, he says: 'I will start tomorrow. I have heard again that the enemy intends advancing on this place by the Therman, Dunlap, and Sparta roads. By concentrating at Murfreesborough we shall be within striking distance of this place. By convenient roads our main force can be thrown upon the enemy between

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this and Decherd or Hillsborough, overcome him, and drive him toward Sparta, his longest line of retreat. A large force of cavalry and light infantry can be pushed across the mountains by the Dunlap and Therman roads, attack him in rear, and completely route his whole force. I have studied the roads, and am now convinced that this is our best plan of attack.'

"It was afterward ascertained that the rebel forces under General Bragg actually commenced to arrive at Sparta the day after the date of this dispatch.

"The reasons which made the concentration at Murfreesborough necessary and proper may now be briefly summed up:

"It had been supposed that for the lack of supplies on the route the enemy would make his march across the mountains rapidly. Several days had already elapsed since, from the best information that could be obtained of his movements, it was supposed he would have arrived within striking distance, and he was still not nearer than the Sequatchie Valley.

"My supplies had been cut off for twenty days, and the expectation that the force in Kentucky would re-open the railroad, on which they were dependent, was frustrated by the invasion of the State by Kirby Smith, which, as the result proved, gave more than ample occupation to the raw troops that were there. I did not even know what force of that kind could be expected, for its organization had only very recently been commenced; and the State had recently been organized into a separate department not under my command.

"I was already reduced to about ten days' supplies; a little more than that of breadstuff, and some minor articles, and a good deal less of meat and other articles scarcely less essential. The quantity was increased at Nashville a little by the collection of flour and meat in the country. General Thomas reported on the 28th, from McMinnville, that no provisions could be procured in that region, and that for forage he could get fodder, but no corn; and his statement in regard to the scarcity in the country is confirmed by testimony before the commission. Such straits did not admit of any further delay to await an enemy who could choose his own time for the meeting, and who had already been eight days behind the time at which I had reason to expect him. An immediate concentration at a point nearer the source of supply, from which I was separated two hundred and sixty miles, was clearly necessary. It promised the only means of opening the railroad, and still holding Nashville, the possession of which was believed to be the enemy's first object.

"But the concentration at Murfreesborough was expedient on other grounds. I could not have concentrated at any point as far in advance as McMinnville more than about thirty-one thousand men, and that force was not sufficient to attack Bragg's army united at any point. If I could have taken any position, in which I could force or induce him to attack without delay, it would have been well; but such was not the case. In this uncertainty as to the time he might delay, and as to the route on which he would strike in force, while perhaps threatening by other routes, screened as he was by a range of mountains; with our communications with Louisville completely severed and our supplies already reduced to a narrow margin, perhaps to be entirely exhausted when the advance of the enemy would make rapid operations necessary, it was plainly necessary to concentrate at some point nearer our base, by which means my effective force would be increased, so as to be suf-

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ficient to meet the enemy whenever he should come, and still have enough to open our communications.

"The plan of operations presented in the evidence of another witness of rank before the commission was to concentrate the army at Murfreesborough as soon as the rebel army commenced its advance from Chattanooga. This, except as to the time of concentration, is the plan that was actually executed. The earlier execution of it would not have affected the result, but the distribution of my small cavalry force to guard the various passes across the mountains from forty to sixty miles distant, which was one feature of the plan, could only have resulted in the capture or dispersion of the whole of them whenever the enemy chose to effect it. As for the idea of first concentrating at Murfreesborough and then advancing to attack the enemy at Sparta, it must suppose that the enemy would wait seven or eight days at that place to be attacked, which he did not do. I do not, therefore, see any advantage in this variation of the plan that was adopted, and if it had been submitted to my judgment I should have rejected it."

I am conscious of having carried my statement into tedious details, out of much anxiety to explain my acts and the reasons that dictated them. I will not extend it to show why it was thus, although the concentration of my army at Murfreesborough was necessary in consequence of the state of my supplies, and although it was suitable to meet any direct advance against Nashville, yet it was no longer suitable after it became probable, though uncertain, that Bragg, instead of moving directly on Nashville, was moving toward, in fact was probably already at, the Cumberland River by the time my army was concentrated. As it was, my movement from Murfreesborough to Nashville did not "allow Bragg to cross the Cumberland," which he had already nearly reached, but it enabled me the easier to take measures against his subsequent movements. Undoubtedly a much earlier concentration of my army at Murfreesborough would have had certain advantages: it would have enabled me to re-establish my communications and made them much shorter; but I have explained that I hoped until the last that they would be re-opened by the troops in Kentucky, and that I was unwilling to abandon the object with which I had started out, and give up the advanced positions I occupied.

3. THE FAILURE TO RELIEVE MUMFORDSVILLE.

The commission is of "opinion that General Buell is not responsible for the capture of the town, except so far as his failure to attack Bragg south of the Cumberland River made him responsible for that failure." This implies that Bragg could have been and should have been attacked south of the Cumberland. I have discussed that point in the preceding pages of this communication.

4. BATTLE OF PERRYVILLE AND CONDUCT THERE.

The facts under this head are imperfectly and inaccurately stated, and the opinions, to my mind, show a misconception of the subject.

The strength, positions, and to a great extent the movements of the opposing armies, with many other facts essential for a proper understanding of the subject, are omitted.

The rebel forces occupied a line extending from Lexington to Bardstown, Kirby Smith's forces being on the right and Bragg's army proper on the left. It was to be presumed that those forces would concentrate

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when I moved against them; and it was "intended" to attack them whenever they could be properly brought to battle. It cannot be said that an engagement was expected at Bardstown, though it was thought to be possible. The statement that I "next intended to attack him (Bragg) on the 9th of October" conveys no correct explanation of my plans and movements. The evidence shows that, after reaching Perryville, where the enemy appeared to have concentrated, my instructions, given on the night of the 7th, contemplated an attack on his position on the morning of the 8th. That purpose was frustrated by the lateness of the arrival of the right and left corps, and it was deemed necessary to defer the attack until the next morning.

The evidence is not that McCook's corps arrived at 9 o'clock on the 8th; the head of it arrived between 10 and 11. The evidence shows that General Thomas's staff officer, about half past 1 o'clock, reported the arrival of the head of the right corps; the rear division of it was not yet up. The staff officer took back to General Thomas more detailed instructions in regard to the disposition of that corps.

The camp of my headquarters was located, the evening of the 7th, at a proper distance in rear of the center corps, the disposition of which I personally directed, and it was not necessary or convenient to change my camp. The signal station for headquarters was somewhat in advance, on a high elevation, commanding a more extended view of the ground than any other.

The assertion that I "should either have been on the field in person, ready for emergencies and advantages, or have taken, and required to be taken, every precaution for the instant transmission of intelligence to my headquarters," and that "as I had an organized signal corps with my army, this failure was all the more culpable," discloses a want of knowledge on the part of the commission of what was necessary to be done, and misrepresentation of what was actually done. Had I considered my presence along the lines necessary, I might as properly have been required on the right as on the left, in which case I should have been five miles from the left, instead of two and a half miles. The evidence shows that the signal corps was in operation, and that signal stations had been established to communicate intelligence from different parts of the line to my headquarters. What further precautions could be required, except the presence of commanders, whose duty to communicate with me was as well understood as though it had been prescribed in their commissions?

The evidence shows that Gilbert's corps was not "unengaged." It lost nearly one thousand men that day, which proves that the whole force of the enemy "was not *flung* upon McCook." It is not a very ingenuous representation of the matter to assert what could have been accomplished "if Crittenden's corps had been vigorously pushed forward," when all mention of the fact is omitted that orders to that effect were given as soon as I was advised of the attack on McCook, and that they could not be executed, because of the lateness of the hour.

5. PERMITTING THE REBELS TO ESCAPE WITHOUT LOSS FROM KENTUCKY.

The same misconception and errors of statement run through the report of the commission under this head as under the preceding one. It is right in one admission, that "it cannot be said that the rebels escaped without loss from Kentucky."

The evidence does not justify the statement in any proper sense that.

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"the morning after the battle, it was very early discovered that Bragg had retreated from the position near Perryville;" on the contrary, the fact was not ascertained until about half past 10 o'clock, between which time and the early morning my army was moving to attack, the opinion being general that the enemy would be found near Perryville, and the battle renewed that morning. The evidence shows this conclusively, though it also shows that some of the most advanced troops discovered very early that *the portion of the enemy which they could see* was moving from the position which it held the previous night, but even that did not come to the knowledge of the corps commanders, nor to my knowledge. There is no evidence to justify the broad statement, nor is it substantially true, that Bragg "left all his killed and wounded and some artillery at Harrodsburgh, and being joined by Kirby Smith, hastened across Dick's River," and that "that part of the movement from Perryville to the river was confused and disordered." Still less is it proven, or true, that any portion of the statement was known by me, or by my army at the time. On the contrary, it is shown that the advance of my cavalry toward Harrodsburgh on the 9th was effectually resisted, and that on the morning of the 10th Kirby Smith's forces, and probably a large portion of Bragg's army proper, were actually in line of battle two miles south of the town. This fact justified the presumption that his whole force was there, and I have now no doubt that the whole of it would have been there in case of battle. I have never called my movement to Harrodsburgh, nor from there to Danville, "a pursuit." I meant, and have described it, as a movement to find and give battle to the rebel army. The pursuit I have described as commencing at Danville on the 13th, when the retreat from Camp Dick Robinson was first discovered.

The comments of the commission on the retreat of the enemy would seem to indicate ignorance of the topography of the country and of the facts concerning the retreat. There is ground in the evidence for the belief that Bragg's retreat was decided upon on the 12th of October, in opposition to the views of a majority of his commanders and the sentiment of his army. There is a mass of facts in evidence, and of public notoriety, to show that his determination to avoid battle, and retire from the State, was suddenly adopted. The failure of the commission to give place to this material fact has the effect of giving a wrong impression as to the dispositions the circumstances required me to make. The subject is treated as though Bragg's army was a disorganized rabble, which it was only necessary to surround with a line of skirmishers to capture.

The evidence does not "establish that General Buell received information on the night of the 11th that Bragg had crossed the river at Camp Dick Robinson," nor that "he made no determined movement with the main body of his army until the night of the 13th." The statement that, from the morning of the 9th until the night of the 11th, I waited to learn whether my enemy would cross the river, is unfit to appear in an official report; and the further statement that, that fact being definitely known, I lost two days before taking any decisive action, is contrary to the evidence, as is also the statement that finally, on the night of the 13th, I started Crittenden's corps through Danville, for it was there already. This statement, taken in connection with other remarks, would convey the false impression that that corps, in fact the main body of my army, was still at Perryville.

It is thus that the commission explains "the escape of the rebels from Kentucky." In the review which I prepared of the evidence taken by the commission, I made a different statement and explanation of the

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incidents of that campaign. I hope it is a more intelligent one. I know it is more in accordance with the facts, and it may not be inappropriate to insert it here. After describing the operations about Mumfordsville, and the close movement after Bragg's army, until it turned off toward Bardstown, the statement proceeds:

"Many considerations rendered it proper to direct my march on Louisville, instead of following his route. The want of supplies made it necessary, many of the troops being out by the time they reached the mouth of Salt River. This reason would have been insuperable if, as was not improbable, the enemy should concentrate his force and throw himself rapidly between me and Louisville. The junction of Bragg and Kirby Smith was not only possible, but probable. It would have made their combined force greatly superior to me in strength, and such a disposition would have placed him between two inferior forces, which, from their positions, could not have acted in concert against him, and which, therefore, were liable to be beaten in detail. One of these forces—that occupying Louisville—was composed of perfectly raw, undisciplined, and, in a measure, unarmed troops, with but very little artillery, and very few officers of rank or experience. It could not have withstood the veteran rebel army two hours, and the consequence of its defeat and the capture of Louisville would have been disastrous in the extreme. That force, however, mixed judiciously with my old troops, could be made to render good service, as the result proved.

"These considerations determined me to concentrate rapidly at Louisville. The last division reached that point on the 29th of September. On the same day the incorporation of the new troops with the old, and other preparations which a long and fatiguing march of the old troops and the inefficiency of the new rendered necessary, were completed, and on the morning of the 30th the consolidated army was prepared to march against the rebel forces, which occupied the principal part of Kentucky. The campaign which ensued, and which resulted in the expulsion of the enemy from the State, has been sketched in my official report of the 4th of November, herewith appended. As far as the facts are concerned, the investigations of this commission have shown perhaps that I did not make allowance enough for the diminution of my force by absentees and stragglers from the new regiments; and that, therefore, I probably overestimated my own strength at and after the battle of Perryville, if I did not also underestimate the combined strength of the enemy. These investigations also give reason to believe that the aggregate loss of the enemy during the campaign was greater than I represented, and they have developed additional interesting incidents, but they point to no statement which I could now desire to alter. I shall limit myself, therefore, to the elucidation of certain particulars, in which the wisdom of my acts would seem to have been called into question by the course of the investigation.

"The battle of Perryville, although but a partial, and by no means as fruitful a contest as I had expected, was not without important and gratifying results. I shall notice very briefly the causes which prevented it from being more so.

"When on the 5th of October Bragg's army proper retired from Bardstown, it was uncertain where it would unite with the force of Kirby Smith, though Danville was the point where I most expected to find them, and my corps were accordingly directed on Perryville and Harrodsburgh. When on the night of the 6th I ascertained that Kirby Smith had crossed the Kentucky river at Salvisa, Harrodsburgh or Perryville became the most probable point of concentration, and the desti-

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nation of the corps which was marching on Harrodsburgh had to be changed to Perryville. Information during the 7th, that the enemy were turning toward Harrodsburgh, inclined me to suppose, though not confidently, that Harrodsburgh and not Perryville would be the point. In the movement on that place, the center corps, with which I was, marched by a shorter and better road, and therefore arrived within about three miles of Perryville on the evening of the 7th, while the other corps were expected to be still about seven miles in rear, on their respective roads to the right and left.

"Finding a sufficient force at Perryville on the evening of the 7th to stop our progress without a general engagement of the corps, it was presumed that the enemy had determined to make his stand there; and the following instuctions were sent to General McCook:

"'OCTOBER 7—8 p. m.

"'GENERAL: The Third Corps (Gilbert's) is within three and a half miles of Perryville, the cavalry being nearer—probably within two and a half miles. From all the information gained to-day, it seems probable that the enemy will resist our advance into the town. They are said to have a strong force in and near the place. There is no water here, and we will get but little, if any, until we get it at Perryville. We expect to attack and carry the place to-morrow. *March at three o'clock precisely to-morrow morning*, without fail, and move up till the head of your column gets to within about three or three and a half miles of Perryville, that is to say, until you are abreast of the Third Corps. The left of this corps rests near Bottom's place. Perhaps Captain Williams, Jackson's cavalry, will know where it is. From the point of the road Gilbert is now on across direct to your road is about two and a half or three miles. When the head of your column gets to the vicinity designated, (three or three and a half miles from town,) halt and form it in order of battle, and let the rear close well up; then let the men rest in position and be made as comfortable as possible, but do not permit them to scatter. Have the country on your front examined, a reconnaissance made, and collect all the information possible in regard to the enemy and the country and roads in your vicinity, and then *report in person*, as quickly as practicable, to these headquarters. If your men have an opportunity to get water of any kind, they must fill their canteens, and the officers must caution them particularly to use it in the most sparing manner. Send to the rear every wagon and animal which is not required with your column. All the usual precautions must be taken, and preparations made for action. Keep all teams back except ammunition and ambulances. Nothing has been heard from you to-day. Send orderlies by bearer to learn the locality of these headquarters. The general desires to see Captain Williams, Jackson's cavalry, by seven o'clock in the morning, at these headquarters.

"'Respectfully, &c.,

"'JAMES B. FRY,
"'*Colonel and Chief of Staff.*'

"Similar instructions, but suited to the locality on which he was to form for the attack, were given to General Thomas, who, as second in command, was with the right corps.

"It was expected that these instructions would get these two corps into position for the attack by 7 or 8 o'clock in the morning; whereas, in consequence of delays which were more or less unavoidable, the heads of the columns did not come up until between 10 and 11 o'clock,

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and the rear division of the right corps did not get into position until about 4 o'clock. This rendered it improbable that the attack could be made until next morning, and was one of the causes which marred the success I confidently expected. Afterward the lateness of the hour at which I received intelligence of the condition of affairs on the left rendered it impossible to reap the fruit that would otherwise still have remained.

"It has been a matter of surprise that so severe an engagement could have taken place within two miles and a half of my headquarters without my knowledge. The commander of an army covering a line six or seven miles long, interspersed with woods and hills, must of necessity depend on the reports of his generals for information of what is transpiring on different parts of the field. After the failure to get into position as soon as I had expected, I no longer anticipated a battle that day; but a good deal of artillery firing had been going on between the advanced guards of the two armies since our arrival the evening before, excepting at night. The cause of this was well understood, and the greater or less rapidity of the firing at intervals was not a matter to attract particular attention, especially as it was to be expected that information of anything of serious import would be promptly conveyed to me. For that reason I received with astonishment the intelligence of the severe fighting that commenced at 2 o'clock. Not a musket-shot had been heard, nor did the sound of artillery indicate anything like a battle. This was probably caused by the configuration of the ground, which broke the sound, and by the heavy wind which, it appears, blew from the right to the left during the day, though the latter I had not thought of, until it was established in evidence before the commission. Be that as it may, many witnesses, without exception, have testified to the absence of all reason to suppose at my headquarters that a battle was raging, and the testimony of hundreds more could have been adduced to the same effect.

"It has been asked why, after the battle of Perryville, I did not immediately follow the enemy to Harrodsburgh without waiting for Sill's division to come up. That the entire rebel army could have been brought to battle there I have no doubt. The forces were nearly equal on both sides;* on our side nearly all veteran troops, under perfect discipline; on the other a portion, the 'old army of the Ohio,' equally good, but more than one-third of the whole raw and undisciplined. The enemy would have had the advantage of the strong position which he selected. The result of a conflict under such circumstances is not to be predicted. I am not willing to admit that I might have failed; and yet no man can assert that the result ought certainly to have been otherwise under the circumstances. It was sufficient for me that I could make it reasonably certain by waiting for my troops to come up.

"My studies have taught me that battles are only to be fought for some important object; that success must be rendered reasonably certain if possible—the more certain the better; that if the result is reasonably uncertain, battle is only to be sought when very serious disadvantage must result from a failure to fight, or when the advantages of a possible victory far outweigh the consequences of probable defeat. These rules suppose that war has a higher object than that of mere bloodshed; and military history points for study and commendation to campaigns which have been conducted over a large field of operations

* The evidence places the rebel army in Kentucky at not less than sixty thousand. It places my force at Perryville at less than fifty-eight thousand before the battle.

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with important results, and without a single general engagement. In my judgment the commander merits condemnation who, from ambition or ignorance, or a weak submission to the dictation of popular clamor, and without necessity or profit, has squandered the lives of his soldiers. In this connection it is proper to review the circumstances which should have weight upon the question of hastening a battle at the particular juncture referred to.

"There is not, I venture to say, a particle of evidence upon the records of this commission which does not lead to the conclusion that the object and intention of the rebel government, in the invasion of Kentucky last summer, was to hold possession of the State by force of arms and secure it to the cause of rebellion. The circumstances of the invasion, and the formidable force employed in it; the advance of the smaller force, under Kirby Smith, which established depots and collected supplies, that made comparatively easy and safe the subsequent advance of the main force under General Bragg to a point so remote from its original base; the further re-enforcement of this large force by the column under Breckinridge, at the very time when, if a temporary raid had been the object, the main force should have been rapidly withdrawing instead of re-enforcing; the deliberation and permanency with which the invading army maintained its position in the face of the force which was preparing to drive it out; the inauguration of a provisional State government under the authority of the confederate government; the enforcement of the conscription and other confederate laws; the avowal of the confederate authorities; the plan of campaign sketched in the letter of General Beauregard to his government; the convictions of the people of Kentucky from what they saw and the assurance of the rebel authorities; the constant and confident declarations of all persons connected with the invading force; the disappointment and disapprobation which the whole southern press expressed at the result—all go to show that the object of the invasion was permanent occupation. That object could only be secured by giving battle to and destroying or driving from the field the army which was opposed to it.

"Such a plan and determination were also clearly indicated by the movements of the enemy after the commencement of my march from Louisville. If his object had been to retreat without a struggle as soon as I moved against him, the force of Kirby Smith, which was then at various points north of the Kentucky River, would at once have moved by the roads concentrating at Richmond, and thence on the Cumberland Gap. It was, for that force, the shortest and best road, and a better route for supplies than the one it pursued. The main force under Bragg would have moved on one or more of the roads which converge upon Glasgow, through New Haven, Lebanon, and other points. This line would have given him the advantage of marching by several of the best roads in the State, converging at convenient distances. It would have taken him through a region of country where supplies were comparatively abundant; it would have enabled him to concentrate his army at Bowling Green, and perhaps capture that place before he could be overtaken; or, if not, to move upon Murfreesborough, where he would have railroad communication with Chattanooga, and good lines of retreat to the other side of the Tennessee River, if necessary; or the opportunity of capturing Nashville, if he should deem that feasible. Or if he desired to retreat through Cumberland Gap, he would go on through Danville and Stanford.

"Instead, however, of starting upon these natural lines of retreat toward Tennessee, Kirby Smith moved west, entirely off his line of re-

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treat, and crossed the Kentucky River near Salvisa; and Bragg, after turning the angle at Perryville, moved northward, the very opposite of his direction of retreat. That the original object of this movement was to concentrate the whole rebel force at Harrodsburgh, instead of Camp Dick Robinson, is evident from the fact that if the latter had been the object, Kirby Smith would have moved directly to that point, over the Hickman bridge, instead of fording the river lower down, to go out of his way, and Bragg would have marched through Danville to the same point. Thus the circumstances of the invasion indicated that there would be a formidable struggle for the possession of the State; and the movements of the rebel forces to meet the operations that were in progress against them pointed to a great battle at or near Harrodsburgh.

"The battle of Perryville, by every reasonable explanation, increased instead of weakening the probability of a great battle at Harrodsburgh. It has been asserted that General Bragg fought the battle of Perryville with portions of three divisions, only about fifteen thousand men. It is certain that he fought it with only a part of his whole force. His motive, therefore, may be supposed to have been either to check my advance, to give time to take up a position with his main force beyond, or else because he hoped to gain some advantage by striking the head of my column, supposing I was moving on only one road, before I could get a superior force up to oppose him. In either case, he could not have expected to accomplish much more than he did in this partial engagement. He was repulsed, it was true, but not until night protected him from very serious consequences, and there was nothing in the result that should have decided the fate of so important a campaign. His loss was probably much less than mine, from the fact that the attack was made when my troops were in column, and to that extent unprepared.

"That General Bragg moved to Camp Dick Robinson, instead of awaiting the attack of my whole force at Harrodsburgh, is no evidence that he would not have been willing to give battle to the part of it which I had at Perryville. With an equal force he could safely risk a battle in the strong position he could have taken, and in fact did select, when the result would by no means be as certain there, against a superior force, as it would be in the still stronger position of Camp Dick Robinson, which had the further advantage of being a depot for his supplies. For these reasons, and on account of its inaccessibility and superior strength, neither did his withdrawal to Camp Dick Robinson indicate an intention to abandon the object of his campaign, and retreat precipitately from the State. These reasons justified the conclusion that the rebel army was to be encountered in battle, notwithstanding critics, after the fact, may answer that the result contradicts the conclusion: and they justify every reasonable precaution to have made the success of such a struggle certain. They afford an interpretation to the movements of the army under my command subsequently to the battle of Perryville.

"Pending the arrival of General Sill's division, the left corps, General McCook's, lay near Dicksville, from which a road extends to Harrodsburgh; the center, General Gilbert's, was abreast of the left, on the direct road from Perryville to Harrodsburgh; and the right, General Crittenden's, was on Salt River, about four miles from Danville. Cavalry was in front, on the Harrodsburgh and Danville roads. A good deal of the ammunition of McCook's corps, and some in the center corps, had been expended in the battle of the 8th, and so much of the means of transportation had been required for provisions, that wagons could not be spared for a sufficient supply of reserve ammunition on starting

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from Louisville. This was hurried forward, and other matters attended to in the condition of the army which had resulted from the battle. These, of themselves, would not have delayed my movements, though they were important.

"General Sill's division arrived on the evening of the 11th, and the army was ordered to move on the 12th. Strong cavalry reconnaissances had been kept out every day, but on the evening of the 10th I ordered out three brigades of infantry, with cavalry, to move on the 11th, to discover more of the position or movements of the enemy. One moved beyond Danville toward Camp Dick Robinson; one on the Danville and Harrodsburgh road toward the latter points; and the third toward the same point, on the Perryville and Harrodsburgh road. About daylight an officer, just in from Harrodsburgh, came to my tent, and reported to me, with great earnestness, that the enemy was moving against us in force from Harrodsburgh, distant about eight miles. The troops were put in position to be prepared, if the report should prove true; and, in the mean time, the several reconnaissances proceeded as ordered. The one on the left discovered and reported the enemy apparently in force about two miles south of Harrodsburgh early in the morning, but he withdrew during the day, and the two reconnaissances, which were ordered toward Harrodsburgh entered that place in the evening, capturing some property, and a large number of sick, wounded, and some other prisoners.

"It was probable that the enemy had retired to Camp Dick Robinson, but it was reported that some, at least, had gone in the direction of the Kentucky River, and it was necessary to ascertain the fact. It would require a day to do that by reconnaissance. If the reconnaissance were supported in force, we should be prepared to take advantage of the contingency of the enemy still being this side of Dick's River, and, in any event, no time would be lost in the movement to turn the position at Camp Dick Robinson, if it should be found that the enemy had actually retired to that place. On the 12th, therefore, the whole army swung around on Danville as a pivot—the right and center on the Danville and Harrodsburgh road, and the left near Harrodsburgh, on the Perryville and Harrodsburgh road, while a reconnaissance was pushed forward to gain the desired information. It ascertained that the enemy had crossed Dick's River.

"If it should be said that these dispositions proved to have been unnecessary by the withdrawal of the enemy, it may be answered that such may be the case with nine out of ten of the dispositions that are made in every campaign; that battles occur only occasionally in the movements of opposing armies, but that preparation for battle may be necessary every day. Without such preparation battles may be multiplied, and so in most cases are defeats to the careless.

"The enemy's position in rear of Dick's River being, from the character of that stream, impregnable in front, I moved on the 13th to turn it by the south. On the night of that day I heard that the enemy was retreating from Camp Dick Robinson toward the south, and I immediately ordered pursuit. The leading division marched at 12 o'clock that night, the others following in rapid succession. Crittenden's and McCook's corps, the former leading, took the road to Stanford and Crab Orchard, while Gilbert's took the road to Lancaster and Crab Orchard. On both roads the enemy's rear-guards were overtaken the next day, and were pressed continually as far as London. No general battle occurred between the two armies, though the enemy was foiled in his object and driven from the State. Anticipating a movement of

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the rebel army into Middle Tennessee, the Army of the Ohio moved promptly in that direction, and on the 31st of October had, under my orders, advanced as far as Bowling Green and Glasgow. It was my intention to have reached Murfreesborough by the 10th of November. On the 30th of October I turned over the command to Major General Rosecrans, in obedience to orders from the General-in-Chief.

"A careful study of the topography of Central Kentucky shows it to be a region possessing remarkable strategical features for defensive operations, especially for a force whose line of retreat is toward the State of Tennessee. The Kentucky River, running across the State from east to west, with its cliffy banks, makes a strong line of defense, while its somewhat frequent fords, opposing but slight obstacles to the movements of an army when the river is low, yet easily defended from the opposite bank, make it an admirable line for a retreating army to take shelter behind, and a perfect curtain to cover ulterior movements. Its advantages in this respect are very greatly increased by the character and position of Dick's River, which, coming from the south, empties into the Kentucky River where the latter makes a strong bend to the north. Dick's River has the same characteristics of cliffy banks, and its fewer crossings make it a much stronger line of defense than the Kentucky River.

"Together these streams make the position of Camp Dick Robinson in the fork almost impregnable for a large army, except from the southeast. In that case the defensive army, with its right flank protected by Dick's River and its left by the broken ground to the east, may fall back easily and securely to the north side of the Kentucky, and by a short march, either to the east or the west, recross to the south side and fall upon good lines of retreat; and these movements can only be counteracted by considerable detours, or by previous detachments, which would weaken the opposing army so much as to endanger the main attack unless the army is very greatly superior in strength. On the north side of the Kentucky River the country is traversable by good roads between the Lexington and Richmond road and any of the roads crossing the river lower down, but on the south side the country bordering the river between the mouth of Dick's River and the Lexington and Richmond road is destitute of practicable roads parallel with the river. Besides the advantages already alluded to, the whole of that region of country abounds in strong positions, commanding the only water for an army within several miles, so that the attacking force is forced to fight under all the disadvantages of exhaustion for the want of it, as was the case at Perryville.

"These details make it easy to answer the theories that have been advanced for the annihilation or capture of the entire rebel army under General Bragg. One of these theories assumes that that army might have been destroyed in crossing Dick's River.

"A defile, if it does not retard the march materially, is always a benefit to a retreating army; and the line of Dick's River is admirably adapted to such an object. It is only necessary for the retreating army to make demonstrations of battle with a strong rear guard, which will require corresponding preparations and delay on the part of the pursuer. In the mean time it throws its artillery across rapidly to take positions to sweep the opposite bank, and under such protection the remainder of the retiring army crosses with safety.

"Great stress has been laid on the importance of Danville to cut off the retreat of the rebel army from Perryville. My right rested after the battle within four or five miles of Danville, and my cavalry watched

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and went beyond that place. Danville controlled no line of retreat for the enemy, except through that point, and thence on toward Somerset or Columbia. That was as well covered by being four or five miles from Danville, with a perfectly open and unobstructed country between, as it would have been at Danville itself, and the enemy did not attempt to use it at all. Danville is eight miles at the nearest point from the road going from Camp Dick Robinson to Cumberland Gap, and the strong line of Dick's River between prevents Danville from having any command of that road.

"The first point at which the enemy's retreat on the Cumberland Gap road could be intercepted is Lancaster, ten miles from Danville. If the Army of the Ohio moved to Lancaster in force, in advance of the rebel army, it threw its communications into the hands of the enemy; if, before being assured that the enemy had crossed Dick's River, it divided its force over the twenty miles from Perryville to Lancaster to protect its communications and intercept the retreat of the enemy through Lancaster, it rendered itself liable to be beaten in detail; and if, after being assured that the enemy had crossed Dick's River, it left small detachments sufficient to guard the passes over that river, and then moved with the main body on Lancaster, there is no reason why the enemy should not have been able to hold it in check on the line of Dick's River long enough to secure his line through Lancaster if he was determined to retreat.

"An army on ordinary marches, continued for many days, will average about two miles an hour; but in a forced march, for twenty, and at least for ten miles, it can average three miles an hour. If the rebel army had sixty thousand men, with artillery, and fifteen hundred wagons for baggage, supplies, &c., it would, in marching, occupy thirty-nine miles along the road in one column, or nineteen and a half miles each in two columns. It would, therefore, require six hours and a half to clear its camp on two roads; the whole of it will have arrived at or passed a point twenty miles distant in fourteen hours, or a point ten miles distant in ten hours. Thus the rebel army, moving from Camp Dick Robinson in two columns, would clear its camp in six hours and a half, and arrive at Lancaster, ten miles distant, in ten hours; or, if it continued on without stopping, would arrive at Crabb Orchard, twenty miles distant, in fourteen hours.

"It appears that the retreating army actually marched in three columns from its camp at Dick Robinson, the country along its route being open and practicable. From Lancaster it took two roads, the one to the left going by the way of Lowell, and coming into the Cumberland Gap road at Big Hill, and the other going through Crabb Orchard, Mount Vernon, and London. The latter is intersected at Crabb Orchard, twenty miles from Danville, by the road from Danville through Stanford. The reasons which would render it injudicious to expose my communications and leave open a better line of retreat to the enemy, by anticipating his possible retreat through Lancaster, apply with greater force to Crabb Orchard. If the rebel army would retreat without accepting battle, the topography of the country made it entirely possible for it to do so. Being once established in its line of retreat beyond any point where it could by any possibility be intercepted, the rebel army made good its retreat, as other armies have done in this and other wars under less favorable circumstances.

"There are few circumstances under which a disciplined and well-managed army can be forced to a general battle against its will, though the occasions are multiplied if the opposing army has a greatly superior force of good cavalry, or is so greatly superior in strength that it can

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divide its force with reasonable prospects of success to each fraction. A disciplined army, moving on its line of communication, can always retreat more rapidly than it can be pursued. It meets or overtakes its supplies on the road, or finds them at temporary depots previously established, or it collects them from the country as much as possible on its line of march. The pursuing army, on the other hand, finds the country stripped; it has nothing in advance to rely on; it must carry everything along, with the hinderance of enormous trains, and the difficulties are increased with every day's march. The retreating army prepares a front of resistance more rapidly than the pursuer can prepare a front for attack. The strong positions are reconnoitered in advance, on which the requisite force forms as rapidly as on a drill-ground, while the pursuer, ignorant of the ground and of the force that awaits him, must inform himself of both, in order to develop a corresponding force, or else find the head of his column beaten back. In the mean time the main body of the retiring army has gained some hours march, the rear-guard watches the enemy's preparation, awaits his attack, and repulses it if it is made injudiciously or with insufficient force, or else at dark resumes its march, to repeat the same operation whenever it is necessary and the occasion is favorable. A single tree felled judiciously across the road will delay the pursuer perhaps fifteen minutes; four of them at intervals will delay him an hour; and thus the distance between him and his adversary is increased.

"These advantages to defensive operations do not exist in the same degree in all descriptions of country. They are particularly marked in a broken and wooded country, where the movements and position and strength of an enemy are only to be ascertained by feeling him, and especially where there are no parallel roads by which the retreating army can be attacked in flank. The advantages alluded to make it wise frequently for a commander to fall back to a chosen ground when his adversary advances, and the battle of Perryville affords an illustration of this principle. The rebel army was moving for concentration at some point which could not be known to its adversary. A portion of it took advantage of the strong position at Perryville, commanding the only water within a distance of several miles, over which the army of the Ohio must march to attack. That position afforded also the advantage of several lines of retreat. With these combined advantages, when it was discovered that a part of the rebel army was making a stand, it was as reasonable to expect to find its combined force there as at any other point, and dispositions had to be made accordingly. I believe that a sound and unprejudiced criticism will show that the movement of the army of the Ohio was executed promptly and judiciously; that it arrived more simultaneously and in better order than the enemy could have expected, considering that the point which he would choose for battle could not be foreseen, and that, but for the lack of timely information of the condition of things on the afternoon of the 8th, the main portion of the enemy's force at Perryville would have been captured.

"Contests between unequal forces result sometimes, but very rarely, from the fact that the inferior has no alternative but to fight or surrender. In by far the greatest number of cases, however, the conflict results from a lack of ability on the part of the inferior to avail himself of the means of extricating his army, or from a contempt for, or ignorance of, the strength of his adversary, or from an advantage of position which, in his opinion, will outweigh that of superiority of numbers, and a corresponding ignorance of that advantage, or faulty dispositions on the part of the superior army; and these last are the cases in which most frequently the inferior army is victorious. When the armies are

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about equal, they maneuver so as to deceive and cause each other to make detachments, or force each other to battle on ground unfavorable to the adversary. In all these cases the object is not merely to give battle for the sake of fighting, but to fight for victory, or at least safety, and with such advantages as will make success reasonably certain; and the more serious the consequences of defeat, the greater the caution to be observed. Ignorance and error multiply battles far more than valor, and generally with the penalty of disaster. If precaution and the observance of rule diminish the number of battles, and sometimes miss the accidental success which folly and recklessness might have gained, it is nevertheless true that in the end they usually triumph."

The commission states that it made its sixth "point" to cover the question of my "loyalty." I certainly made no defense of my loyalty, nor did I know that it was under investigation; though I did not fail to observe that evidence was elicited of the scandalous remarks that had been made concerning it by some persons, one of them a member of the commission. I shall not cavil at the brief announcement that against my loyalty "there is no evidence worthy consideration."

My policy toward "the inhabitants of disaffected districts" was also brought under the sixth "point;" and the commission concludes that "whether good or bad in its effects, General Buell deserves neither blame nor applause for it, because it was at that time supposed to be the policy of the Government. At least he could violate no orders upon the subject, because there were none." I am not disposed to take exception to this opinion, though I dissent from it. If an officer faithfully does what the policy of his government makes a duty, in my opinion he deserves approbation, and if without any such obligation he elects to do what he is at liberty to do or omit, then he deserves approbation or blame accordingly as his acts are good or bad in their effects. It might, I think, very properly be asked why the commission introduced the subject at all.

I will not use this occasion, though I cannot think that it would be inappropriate, to comment on the irregularities which marked the proceedings of the commission, and the spirit manifested by a portion of its members.

Just and thinking men will hesitate to declare, in a judicial verdict, with reference to the conduct of operations of such magnitude, more particularly when an important result has been obtained, that the commander ought to have acted differently: first, because under circumstances which make it frequently impossible to know exactly the true state of affairs, he must act on appearances and probabilities more than on positive knowledge; and second, because it is seldom possible to say what would have been the consequences of a different action. In this case no such hesitation is apparent. For want of time I was not able to present my review of the evidence until the commission had prepared their report and adjourned. How far that review might have modified the report if it had been before them it is impossible for me to say.

I submit these remarks with the confident belief that the justice of the Secretary will see ample ground for them.

Very respectfully, your obedient servant,

D. C. BUELL, *Major General.*

General L. THOMAS, *Adjutant General, U. S. A.*

ADJUTANT GENERAL'S OFFICE,
Washington, March 22, 1872.

Official copy.

E. D. TOWNSEND, *Adjutant General.*

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The commission called to investigate the operations of the Army of the Ohio, Kentucky, and Tennessee has seen fit to include the march from Corinth toward Chattanooga, of that army, within its limit of investigation, although such inquiry is evidently not included in the letter of instructions from the War Department. The operations of the Army of the Ohio commenced with that march, and therefore it is considered properly the correct commencement. When the rebels vacated Corinth in 1862, where they had accumulated large stores and an efficient force, there appeared no place upon which they could rally in time to oppose, successfully, the army under Major General Halleck, in the attempt to open the Mississippi and possess ourselves of East Tennessee. To accomplish the latter purpose, General Buell, in command of what has since been known as the Army of the Ohio, was sent in the direction of Chattanooga, with instructions to seize that place, and, through it, East Tennessee. It has been proved on the part of the Government, and not denied by the defense, that the rebels were not in force at that time in either place, and had General Buell pushed on, he would have taken the more important strategic points almost without resistance. Why this was not done General Buell assures us, as I gather from the character of evidence introduced and the direction of the examination, was owing to a lack of supplies and the attempt to repair and keep open long lines of railway through a hostile population, which lines, it seems, were continually being cut by rebel cavalry, and by the inhabitants, organized into guerrilla bands for that purpose. This explanation or defense, the Government claims, is not satisfactory. The lack of supplies cannot justify a delay of a month or six weeks for repairs, when that time would have enabled the army to seize and occupy a country rich as was East Tennessee, and inhabited by a friendly, loyal population. Raids on lines of communication, with outrages of a disloyal people, would have ceased with the necessity that caused them. They were inaugurated and continued for the purpose of embarrassing the expedition into East Tennessee. They would have ended with its occupancy; but the most extraordinary fact, pressing in this connection upon the commission, is that the commander of the Army of the Ohio knew at the time that these lines would be useless for the lack of rolling stock, and, although an attempt is made evidently to shield himself under the orders of Major General Halleck, we find no earnest remonstrance that would justify this commission in regarding such defense as sufficient. The brief oral instructions claimed to have been received, followed by the yet briefer telegrams, evince a confidence in and a discretionary power given to Major General Buell which should now bar any attempt at shifting the responsibility. The fact that he knew at the time the hopelessness and absurdity of these efforts is conclusive. If the army had supplies enough to justify the long delay for the purpose of reconstructing lines which were cut almost as rapidly as they were connected, I hold that he had sufficient to seize and hold East Tennessee, and the better way to get Morgan and Forrest from his rear was to keep them busy at his front. The defenseless state of Chattanooga and East Tennessee would have called for every available rebel soldier, and General Buell's regiment of engineers could have repaired the roads unmolested. While Major General Buell was thus engaged, the enemy had not only time to strengthen their exposed points, but to elaborate the invasion, which changed our operations from offensive to defensive, and eventually forced the army from Battle Creek back to its base at Louisville. Some time in the first part of August General Bragg crossed the Tennessee at Chattanooga, with about thirty thousand men.

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At that time General Buell had his lines extended some forty miles. The returns found at headquarters, Nashville, give us effective men present for duty fifty thousand, as the Army of the Ohio, and of these forty-seven thousand five hundred were south of the Cumberland, and the Government claims could have been massed so as to have forced Bragg to a fight before he left Tennessee. The case, then, as claimed by the Government, is this: General Buell, in command of a largely superior force of veteran soldiers, well disciplined and equipped, was forced to fall back in long, rapid marches, under great privations, suffering shameful disasters, and with every mark of defeat, from its advance on Battle Creek, in Tennessee, to its base of supplies, on the Ohio River.

ARMY OF THE OHIO.

As to the efficient force under Major General Buell at the time of the invasion, I call the attention of the commission to the testimony of Major Wright and Lieutenant Colonel Daw, both of Major General Buell's staff, and the returns found at headquarters in Nashville. From an examination of this evidence it will be found that of the Army of the Ohio General Buell had forty-seven thousand five hundred men south of the Cumberland River at the time Bragg crossed the Tennessee. The returns and other evidence introduced by the Government make the force at least ten thousand men. But I prefer taking the testimony offered by the defense.

BRAGG'S FORCE.

Bragg crossed the Tennessee with about thirty thousand men of all arms. For evidence of this fact, I refer in the first place to the testimony of the spy Pratt. He was in the employ of General Buell, and had excellent opportunities of observation in the enemy's lines. He informs us that Bragg had of infantry from twenty-two to twenty-four thousand. No attempt is made to impeach this man; on the contrary, General Buell in his cross-examination makes him his own witness, and the commission will find that in his statement he is fully sustained by circumstances, and the testimony of other witnesses. Colonel M. Shoemaker, a prisoner at the time, saw Bragg's forces cross the Cumberland on the 9th of September, and states that he had about thirty thousand men. Colonel Wilder, the gallant commander at Munfordsville, refused to surrender until he had seen the forces opposed to him, with liberty to report the number. He estimates Bragg's army at not over thirty-six thousand. Mr. G. R. Taylor, a Union citizen of Munfordsville, who was within the enemy's lines, gives thirty thousand as the outside of Bragg's army. Mr. F. A. Smith learned from one of Bragg's staff at Munfordsville that they had sixty regiments, confirming what the spy, Pratt, had sworn to. I have called attention here to evidence of actual observation. The fact is known to the witnesses of their own knowledge, and is free of doubt or speculation. It will be observed that these witnesses are unknown to each other, widely separate, and yet concur in the same statement. To this we may add the Forsyth letter, one of Bragg's staff, introduced by General Buell through the testimony of General Rousseau; that states the entire army in Kentucky, including, of course, Kirby Smith's, to be forty thousand men; and we may now add General Bragg's report of his operations in Tennessee and Kentucky, which gives his army that crossed as not exceeding thirty thousand. Circumstantial evidence comes in to sustain this already well-established fact. General

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Bragg, after capturing Munfordsville, a naturally strong position, which, held by him, would have forced Buell to fight at great odds, or a surrender of Bowling Green and Nashville, suddenly evacuated, and fell back to Bardstown. It will not do to say that this resulted from a lack of supplies. Bragg's stores, collected by Kirby Smith, were at Bardstown, and available, with their possession of the country at Munfordsville. He retreated because he saw the approach of an army nearly double his own. The opinions of officers of intelligence and position in the Army of the Ohio are introduced by the Government, not for the purpose of proving the forces under Bragg, but to show that something near his actual strength was known at the time. And it is somewhat remarkable that General Buell was ignorant of a fact patent to his army. General Thomas, for example, said that he could never make out the strength of Bragg's army above forty-five thousand, and of this, ten thousand were left to take care of the flank and rear, and to threaten Nashville. This force, he says, was not within supporting distance, had Bragg been compelled to fight between the Cumberland River and Munfordsville. General Thomas, although introduced by the Government, is made General Buell's witness, and his statements are to be regarded as beyond dispute.

General Rousseau, a witness summoned by the defense, says: "My impression is that the strength of General Bragg's army was not overrated. I put Bragg at from thirty-five thousand to forty-five thousand at Munfordsville."

Major General McCook states: "On Monday, at Bowling Green, I understood the enemy was at Glasgow; his force estimated at about thirty thousand men. It was simply the talk among my brother generals."

Brigadier General Wood: "I am satisfied, by information received from various sources, that Bragg's army led into Kentucky did not exceed thirty-five thousand men."

Brigadier General Steadman says: "The opinion is firmly fixed in my mind, by frequent conversation with officers at various points on the march, that the strength of the confederate army was in the neighborhood of thirty-five thousand men."

General Fry: "From all sources of information, Bragg's army was estimated at thirty-six thousand. There were rumors that he had fifty or sixty thousand. The most intelligent officers placed it at not exceeding thirty-six thousand."

Colonel Straight states: "From facts I could gather, they (the rebels) had from thirty to thirty-five thousand. At Gallatin I learned from General Wood that he had placed them at about thirty-three thousand."

I could multiply these evidences of knowledge on the part of subordinate officers, but do not consider it necessary. True, other officers make the estimate greater, but they are men whose opportunities would not justify a positive opinion, such as Generals Granger and Boyle.

It is true that a man by the name of Kapiet is introduced, who claims to have counted the forces under General Bragg, and makes them over a hundred thousand. But his story is so improbable and contradictory that it cannot claim reasonable credence. He flies in fear from his dwelling on the approach of the rebels, and yet places himself in full view of their column on the road-side, when, for two days, from early in the morning until late at night, without rest and without refreshment, he calmly counts and notches upon a stick the regiments as they hurry past upon the double-quick. He makes the force over a hundred thousand, and marches them upon one read. He has no motive for this,

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other than idle curiosity. And, again, Captain Jones produced certain tables, showing that prisoners representing a hundred and sixty regiments had been taken during Bragg's occupation of Kentucky. It would be quite impossible to ascertain through such testimony the number of Bragg's army. It is certainly worthless when brought forward to contradict that of witnesses who speak from positive knowledge. However, General Buell himself saves us further doubt upon the subject.

In his telegram from Louisville to General Halleck, shortly before moving out against the enemy, he states their force to be sixty thousand. This estimate is subsequently asserted by witnesses, both on the part of the Government and the defense. General Buell has proven that, of this, Kirby Smith's, Stonnson's, and Marshall's forces make thirty thousand, leaving to Bragg the thirty thousand with which he drove the Army of the Ohio from north Alabama to Louisville.

The Government considers this a subject of careful investigation on the part of the commission. That an army of veterans, numbering, with the divisions added from General Grant, some sixty-five thousand, that, as claimed by the defense, no defeat could dishearten and no marches in retreat could demoralize—that such an army should fall back through shameful disaster, with long fatiguing marches and great privation, leaving every mark of defeat before half its number, makes a new page in our history of shame, and calls for explanation or severest punishment.

SPARTA.

Bragg seems, from the evidence, to have anticipated that his crossing the Tennessee River would be disputed. Upon what this anticipation was based is difficult to determine. Long after his design, if not his plan, of invasion had been developed, the Army of the Ohio was stationed along an extended line, devoted to guarding and repairing railways in a manner that made it impossible to concentrate for the purpose of opposing his crossing. When, however, this crossing was effected, the ablest military minds in the army, other than its commander, suggested a concentration where the rebels could be met as they passed from the Sequatchie Valley to the plains of Middle Tennessee—Sparta or McMinnville is suggested, but especially Sparta—where they could have been fought with every prospect of success. That Bragg must pass by Sparta was reasonable to suppose at the time, and, with the light before the commission, a necessity. Had he retained Chattanooga as his base, he could not have passed to the right or the left of our army, in position, without having his line of communication cut, and his army turned upon a line of country where General Buell has been at some pains to prove an army could not subsist. If, on the other hand, he burdened himself with little transportation, and only carried subsistence for eight or ten days, thereby cutting loose from his base, which proved to be the fact, his road lay through the Sequatchie Valley, out by Sparta, and on the almost direct line to Bardstown, along which route his supplies had been provided.

The position at Sparta is, we are assured, naturally a strong one, and offers such advantages that fifteen thousand might have been intrusted to its defense against the thirty thousand of the enemy; but while all seems doubtful on the part of our army, with hesitation in its movements and uncertainty in its future, Bragg acts as if his way were assured to him and success the certain result of his efforts. History of military campaigns affords no parallel to this, of an army throwing aside its transportation, paying no regard to its supplies, but, cutting

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loose from its base, marching two hundred miles in the face of, and really victorious over, an army double its size.

SUBSISTENCE.

Why the Army of the Ohio was not massed at Sparta, or indeed at any other point in Tennessee, for the purpose of disputing the further progress of this confident enemy, was owing, the defense assures us, to the fact that while our lines were successfully cut, our supplies would not justify extended operations. The defense is not tenable. The defense shows us that the Army of the Ohio had twenty days' rations; this on half rations made forty days, and in less than forty days the campaign in Kentucky and Tennessee was at an end. But in addition to this, we learn that the line of railway from Nashville to McMinnville was in operation, and that from Louisville to Nashville could have been opened in two weeks, with the exception of that through the burned tunnels, which left a wagon-road of about twenty miles.

THE INTENT.

General Buell made no effort to mass his army and meet Bragg, but fell back to Nashville. It is believed on the part of the Government that a key to this extraordinary conduct may be found in the fact that, threatened as he was in front by Bragg, and in rear by Kirby Smith, with his supplies limited and his communications cut, General Buell deemed it necessary to abandon both Tennessee and Kentucky, and continue, or rather renew, the contest on the banks of the Ohio. He certainly did not fall back upon Nashville for the purpose of defending that place. Had he believed Nashville threatened from its front, McMinnville or Sparta would have been the point to concentrate for its defense. But the Government has shown that this could not have been Bragg's intent, and that General Buell had every reason to know it at the time. Bragg's objective when he crossed at Chattanooga must have been Bowling Green. The possession of Bowling Green gave him Nashville, while at the same time he was marching in the direction of his supplies. General Buell by massing his forces at some point on the Cumberland—Lebanon for example—could have disputed the crossing of the river, and at the same time have carried Nashville. Had Bragg attempted to avoid him by crossing further up, he would have been thrown upon a country so destitute of subsistence that his march must have proved disastrous. As to General Buell's intention, however, we are not left in doubt. That he fell back to Nashville to gather up his supplies and then evacuate, his acts prove. But, in addition to this, we have the testimony of Governor Andrew Johnson as to what General Buell actually said. Before calling attention to this deposition, it is well to consider, however, the significance of the defense in relation to it. Long before such a charge was ever dreamed of, General Buell has strengthened his case in response to it. As if conscious of something that might come up, he has indicated the charge by a defense in advance. But Governor Johnson says, positively, that General Buell informed him that he considered Nashville of no importance in a military point of view, and it would have been evacuated three months before had his advice been followed. That he became alarmed, evidently, at the attitude of Governor Johnson, and said subsequently to Generals Thomas and McCook that Nashville must be held at all hazards, is true, but he never changed his intention. And it will be observed that he takes and

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uses up Governor Johnson's opinion, when he says that the place should be preserved on account of its political importance. This evidence of Governor Johnson is further sustained by a telegram from General Halleck, which was found lying loose and unrecorded at the department headquarters—General Buell informing me in open court, at the time I presented it to him, that he knew nothing of it, while the dispatch to which it is an answer cannot be found at all. The answer, however, carries the query that produced it. It reads:

"WASHINGTON, *September* 7, 1862.

"Major General BUELL:

"March where you please, provided you will find the enemy and fight him.

"H. W. HALLECK."

There was little intent of this sort at a time when, as Colonel Fry testifies, there was a sense of relief or rejoicing when it was found that Bragg had really crossed the Cumberland; from the fact, I suppose, that Bragg had not directly sought his enemy and fought him. Had not the telegram read that was sent, "Where shall I march?" and does such telegram indicate a settled purpose of any sort? But again, on the 14th of September, two days before the surrender of Munfordsville, we find him telegraphing to General Halleck, "It has been apparent to me for some time that, on purely military grounds, the force in Middle Tennessee should fall back on its base;" that is, Louisville. "The political effect of such a move, however, seemed to me so serious that I hesitated to execute it." He was hesitating, then, when Governor Johnson called and pressed this political view on him. This important dispatch closed with a prayer for instructions. Instructions for what? Had not his course been determined upon? Or was not the general seeking to shield his abandonment of these States under instructions from Washington?

He fell back upon Nashville for its defense, and yet left open the only road by which Nashville could be assailed. He left Nashville on the 7th to get between the enemy and Louisville, and keep open his line of communication, yet he delays his march so as to permit an inferior force to get between him and Louisville, and, by seizing Munfordsville, make the discomfiture of our army complete, by compelling the surrender or evacuation of all the important posts in its rear. Had Bragg seen fit to make a stand at Munfordsville, Buell would have been forced to abandon Bowling Green and Nashville, and steal off the best route he could find to the Ohio.

Bragg, with his inferior force and lack of supplies, dared not to remain in Munfordsville, and fell back to Bardstown; and six days after, General Buell writes to General Nelson, at Louisville. This extraordinary letter is so important, as proving the real intent of General Buell, that I quote it at length. It must be remembered that Munfordsville had surrendered, and the paroled officers had sought General Buell and informed him of the exact strength of Bragg's army as being but thirty-six thousand strong, and suffering terribly for lack of food, and yet he fled with his brave army of fifty thousand from this force, while a like number awaited his coming at Louisville. Under these circumstances this is the advice he gives General Nelson:

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[From "telegrams sent," Book No. 2.]

"HEADQUARTERS ARMY OF THE OHIO,
"*September* 22, 1862.

"Major General NELSON:

"I dispatched to you last evening from Horse Cave, but the couriers did not leave until after I arrived here last night. I learn since, with tolerable certainty, that the enemy marched in force toward Elizabethtown. He may go rapidly through to attack Louisville, or if he thinks you too strong to be easily beaten, he may go to Bardstown to expect a junction with Smith, or he may halt at Elizabethtown to complete the junction and fight me there; the latter I consider the more probable, considering I am so close at hand. If he marches on Louisville, he will probably go by Shepherdsville, and it might be possible for him to reach there Thursday. In any event you should be re-enforced to the last man without a moment's delay. My own movements depend so much on the movement of the enemy that I can hardly tell you what to do. If you have only the force you speak of, it would not, I should say, be advisable for you to attempt a defense of Louisville, unless you are strongly intrenched; under no circumstances should you make a fight with his whole or main force. The alternative would be to cross the river, or march on this side to the mouth of Salt River and bridge it, so as to form a junction with me. But, as I tell you, so much depends upon circumstances that I must leave this question to your discretion. I only offer you my suggestions in regard to it. This much do, at any rate: send a million of rations down the river, say opposite Brandenburgh, to make them safe, to be subject to my order, and have a boat-bridge made, to be thrown rapidly across the mouth of the Salt River for my use, if I require it. Lose no time. Steamers should be opposite Salt River, subject to my orders. Bear in mind, in these arrangements, that the enemy will probably have a small cavalry force at the mouth of Salt River. All steamers used for the service referred to should be kept constantly under steam, and ready to escape if threatened. Communicate with me daily. I shall probably continue on the Louisville pike, at least as far as Elizabethtown. I shall be at Bacon Creek to-night, or beyond there, if the enemy should be determined to stand at Elizabethtown. Your advance on the Louisville pike, with the means of crossing Salt River, would undoubtedly have an important effect, and perhaps give you an opportunity of acting an important part.

"I received your dispatch in answer to mine from Dripping Spring.

"D. C. BUELL,
"*Major General, Commanding.*"

Braxton Bragg defeated the design. He did not march on Louisville, nor dare he risk an engagement with the superior Army of the Ohio. He marched off toward Bardstown, where his subsistence was accumulated, and thereby lost the conquest he set out to accomplish. General Buell marched into Louisville, incorporated into his army the raw recruits that had been gathered there, and set out vigorously in search of the enemy. His army from Tennessee, numbering over forty-five thousand, was joined by an army of forty-eight thousand, while the enemy he went out to fight had not over sixty thousand men. The doubt and hesitation which seemed to paralyze his movement on the retreat from North Alabama to Louisville vanished, and what the clear-headed, energetic general could do was done. Sending Sill's division to hold Kirby Smith in check, near Frankfort,

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General Buell divided the Army of the Ohio in three different roads, converging on Bardstown, and set out in a vigorous pursuit of Bragg. Bragg retired from Bardstown to Perryville, closely pressed by Buell. At Perryville the rebel leader evidently expected to fall in with Kirby Smith. Kirby Smith was not there, and Bragg found it necessary to check the further advance of our army until Kirby Smith could come to his assistance. With this fact General Buell was evidently well acquainted. He warned his subordinate generals of the approaching struggle, and on the morning of the 8th we find the immense army in line of battle, prepared to advance upon the enemy; and here he fell into the same state of doubt and confusion that marked the retreat from Nashville, and this continued until the rebel invaders were safe out of Kentucky. After getting his force into line by noon on the 8th, why he delayed the attack until the 9th we have been unable to understand, nor has the commission been favored with a reasonable explanation. It was evidently the policy to overwhelm Bragg before he could form his junction with Smith. This junction General Buell had feared from the first moment he began his retreat from Nashville. Here was the long wished for opportunity, and yet his army was to be kept in line, suffering for the water which the enemy held possession of, from noon of the 8th till morning of the 9th. What else could Bragg desire? The rebel general evidently misunderstood the design, for observing that McCook, in command of the left wing, had broken his line and was moving in column to the water the soldiers were suffering for, he suddenly threw the weight of half his army upon the one corps, drove it back a mile, killing nine hundred and eighteen men and wounding some five thousand. There are circumstances attending this brief but bloody engagement which baffle comprehension. General Buell, who had approached Perryville, conscious of the presence there of the enemy in force, retired to headquarters, two miles and a half in the rear of his left wing, and, surrounded by a large and well-organized staff, was ignorant of the struggle until too late to render aid, although he heard the furious cannonade that gave token of a combat about 2 o'clock, pronouncing it a waste of ammunition, and demanding that it should stop, took no steps either through the signal corps, then in operation, or by his staff to investigate the cause, or, if necessary, to apply remedy.

What a golden opportunity to annihilate the rebel army then presented itself we now learn. Had the right wing of our army been swung around, the rebel force would have been captured or destroyed. General Mitchell, without orders, marched his brigade through Perryville, and coming in the rear of the rebels then attacking McCook's corps, actually took prisoners and captured the ammunition train of the battery playing upon the left wing. All this while Gilbert's corps remained idle spectators to the unequal contest; and not only failed to tender re-enforcements, but when such aid was solicited by subordinate officers and men, positively refused.

At half past 4 General Buell learned of the battle, and sent an aid to General Thomas ordering the forces under his command to re-enforce McCook. The aid lost two horses in the search for General Thomas, who was found at the front after night, when the battle had ceased.

This blow seems to have paralyzed the Army of the Ohio; no further effort was made to find and attack the enemy. From the 8th to the 12th no advance was even ordered, for an army of seventy thousand men that is confined in its maneuvers to a space of ten miles cannot be said to advance. In the mean time the rebels retreated through Harrodsburgh, passed our forces to Camp Dick Robinson. This was

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a third time a march of this kind was successful. A pursuit was then ordered that resulted in nothing.

After the fight before Perryville, had our army been pushed through Danville to Camp Dick Robinson the retreat of Bragg and Smith would have been intercepted. The defense claims that other roads were open to them on which to escape. It is a singular fact that in the opinion of the defense a road is always open to the rebels, who need no transportation, and are not dependent upon the ordinary laws of subsistence; while to us there seems to be but one road, and that is through disaster to our base.

The fact is, the route through Camp Dick Robinson to Cumberland Gap was the only available one to Bragg. On this their supplies were collected, and from the nature of the country at Crab Orchard the pursuit would have to cease. Had Bragg been forced back to the center of Kentucky, depending, as he would have to, on the country for supplies, the move must have been fatal to him. Already disheartened by the reception given them by the people of the State, had he been forced to open plunder of that people for support, the effect in both a political and military point of view must have been disastrous.

But as the road into Kentucky had been strangely left open to him, so was the road out of Kentucky made easy.

Indorsement.

JUDGE ADVOCATE GENERAL'S OFFICE,
May 23, 1863.

Respectfully referred to the Secretary of War by the request of Lieutenant Colonel Piatt.

J. HOLT,
Judge Advocate General.

ADJUTANT GENERAL'S OFFICE,
Washington, March 22, 1872.

True copy.

E. D. TOWNSEND,
Adjutant General.

BALTIMORE, MARYLAND, *April* 11, 1864.

SIR: I have the honor to inclose herewith a copy of the communication which I addressed to the commission which investigated my military operations in Kentucky and Tennessee. As I received no information in regard to the action taken on the original, or the disposition made of it, I request that this copy may be filed with the record.

I inclose, also, a printed copy of the statement in review of the evidence which I prepared to submit to the commission; I request that it also may be filed with the record.

Very respectfully, your obedient servant,

D. C. BUELL,
Major General.

General L. THOMAS,
Adjutant General, U. S. A.

BURNET HOUSE, CINCINNATI, *May* 2, 1863.

To the COMMISSION:

On examination, I have found the record of the commission to be deficent and inaccurate in several particulars of greater or less importance.

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It will be remembered that, at an early stage of the proceedings, I proposed an examination of the record for the purpose of correcting such errors, but the commission deemed it best to defer the examination until the investigation should be closed. I desire now to call attention to the more important of them.

While the first witness, Colonel Lytle, I think, was giving his evidence, the commission was cleared, at the motion of one of the members, for some purpose not stated at the time. After the commission had been in secret session some time, I was invited in, and the president directed, or intimated to, the judge advocate to swear me to secrecy in regard to the proceedings of the commission. I declined to be sworn, and the commission was again cleared. The judge advocate subsequently came out and informed me that it had been determined that the investigation should be continued without my presence. I objected to this decision, and the judge advocate returned to the commission and, I presume, stated my objection. He subsequently returned to me again, and informed me that it had been concluded to admit me to the sessions of the commission, but that it had been decided that I should not cross-examine witnesses, though I could introduce witnesses in the defense. I objected to this also. I returned to the commission and stated in person my objections to its decisions. I was asked by the president whether I based my claim to be present, and cross-examine witnesses, on the privileges belonging to a party accused. I answered that undoubtedly the pending investigation implied some sort of accusation or imputation against me, but that I did not think it necessary to say whether I considered myself in the light of a party accused or not; that for the present I based my claim upon the instructions of the Secretary of War under which they were acting, which stated that I would "be permitted to appear and produce and examine witnesses before the commission."

Without coming to any final decision on these questions, the commission adjourned. The following morning I submitted a written statement of what I considered to be my right with reference to these several points, and that statement was sustained by the commission. It is proper that these facts should appear on the record, and I request that they may be placed there. It will be remembered that some discussion took place at the time with reference to the rights which I claimed. It is impossible for me now to repeat the precise words in which I presented them. If there should be any question in regard to these several points, then I desire to establish them by evidence, in order that the record may be correct.

The other errors, as far as I have observed them, I have noted in my copy, and they can be pointed out more conveniently by referring to the record.

D. C. BUELL,
Major General.

The above is a true copy of a communication submitted to the commission which investigated my military operations in Kentucky and Tennessee. I request that it may be filed with the record, because I have not been informed what action was taken upon or what disposition was made made of the original.

D. C. BUELL,
Major General.

BALTIMORE, MARYLAND, *April* 11, 1864.

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STATEMENT OF MAJOR GENERAL BUELL, IN REVIEW OF THE EVIDENCE BEFORE THE MILITARY COMMISSION.

The investigations of this commission have not gone further back than shortly after the evacuation of Corinth by the rebel army, in May last; and it might, perhaps, be expected that this review of my operations in Kentucky and Tennessee would not go beyond that period; but I have, for more than a year, remained silent, under misrepresentations which have misled the public mind with reference to the administration of my command. I deem it proper, therefore, to sketch briefly the history of the army I recently commanded, and of my connection with it, for the period anterior to the time to which this investigation has extended. It is proper, also, as bearing on subjects that have been investigated, because many circumstances connected with it shaped or affected the subsequent operations under my command.

In the early part of November, 1861, the condition of affairs in Kentucky became the subject of the most anxious solicitude to the Government and throughout the country. One-third of the State was in the possession of the rebel forces, under whose protection a provisional government was inaugurated at Russellville. It was supposed that the Union element was confined, for the most part, to the old men; that the mass of the young men were on the eve of joining the rebel cause, and that nothing but extraordinary exertion and judicious management could rescue the State from the vortex toward which the excitement of revolution was rapidly carrying her. This was certainly an unjust reflection on the loyalty of the State; but there is no doubt that the presence of a large rebel force rendered the occasion critical.

It was unexpectedly announced to me, about the 9th of November, that I was to be charged with this weighty responsibility. I received general instructions from the General-in-Chief, Major General McClellan, on the night of the 12th, and on the 15th of November I assumed command, at Louisville, of the new department of the Ohio, embracing the States of Ohio, Michigan, Indiana, that portion of Kentucky east of the Cumberland River, and the State of Tennessee.

The enemy, under the command of General Sidney Johnston, was in possession of Bowling Green, with, according to the best information, about twenty-five thousand men, his advance guard extending to Munfordsville. Including Hopkinsville and other points, his force north of the Cumberland amounted probably to thirty-five thousand men. He had a small force at Fort Henry, on the Tennessee River, and Fort Donelson, on the Cumberland; and he had railroad communication with Columbus, on the Mississippi, where he had a large force, and with Nashville and all points south and east. These facilities enabled him to concentrate at any point, in a very short time, all the force in the confederacy not required for defense elsewhere. At that time he could hardly be said to be threatened in any quarter except in front of Washington. The coast expeditions had not been inaugurated, and our force in Missouri was not yet prepared to operate beyond the limits of that State. He had also a small force, not probably exceeding two thousand five hundred men, under Humphrey Marshall, threatening the northeastern part of Kentucky, through Pound Gap, and a considerable force, under General Zollicoffer, at Cumberland Gap and on the road north of it. These last had recently been compelled to fall back from an attempt to invade the central part of the State, but they were still in a position to renew the effort. In addition to this the population was in a state of great disquiet. Bands were constantly organizing to join

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the rebel ranks and intimidate the loyal people, and in some parts of the State the Union element scarcely dared to express itself.

Kentucky at this time was the point which offered to the enemy the best prospect of advantage. His intention to have possession of Louisville within a limited period was constantly avowed. The disloyal element confidently expected it, and if the Government force had not been speedily increased, the attempt would no doubt have been made. As soon, however, as the re-enforcements began to arrive, he commenced fortifying strongly at Bowling Green and other points.

In reality, the effective Government force which I found in Kentucky consisted of two divisions, about twenty-three thousand men, on the Cumberland Gap road and the Nashville road, and about four thousand men on the Big Sandy, in the northeast part of the State; but there were besides some forty or more Kentucky regiments or fractions of regiments scattered over the State in recruiting districts, that were more or less available for local service. Very many, in fact nearly all, of them were not yet mustered in; many without arms, equipments, or proper organization; some of them embracing various arms of service, artillery, cavalry, and infantry. In the whole force were included about eight field batteries and four regiments of cavalry. The latter were all without any suitable arms—some had pistols only, and some muskets. There was not, I believe, a carbine in the hands of the troops. In the infantry, arms of two or three different calibers could frequently be found in the same regiment, and many of these were of foreign make and unfit for service from various defects which rendered them unsafe or unreliable. The troops were but little instructed, some of them not at all, and four or five general and perhaps as many staff officers embraced the whole military experience in the Department. Officers having no rank whatever were acting as generals and staff officers under conditioned promises of appointment; and the supplies and equipment were in many respects deficient and defective. There was not transportation enough not already employed to serve twenty thousand men two days' march from a depot or line of railroad.

The first thing to be done was to organize, arm, equip, and mobilize this heterogeneous mass; and this was both a difficult and tedious work. The Kentucky troops had to be collected from remote quarters and the fractions consolidated and organized, a work which the military board of the State had commenced before my arrival. Supplies of every kind had to be procured, a difficult matter, owing to the quantity suddenly required to supply the enormous force the Government was calling into service. In a word, pretty much everything necessary to make an army of soldiers had to be done. But little assistance could be obtained from abroad. Experienced staff officers could not be obtained. I expected two regular batteries from Missouri. About the 1st of January two companies of artillery, without batteries, making together about seventy men, with one officer, reported to me. The expectation of a regiment of regular cavalry resulted even worse than that. After my arrival at Nashville two companies reported with about seventy men. New regiments began to report occasionally very soon after my arrival, and from the 26th of November to the 1st of January several regiments that had seen some service joined from West Virginia. About the last of December some fourteen raw regiments were received from Ohio and Indiana. The force was afterward further increased from time to time. In the mean time, the enemy had also received considerable accessions to his strength.

The organization of the troops into brigades and divisions was effected

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without delay as fast as they arrived. It was made a rule in the organization not to group the regiments by States, but to represent as many States as possible in each brigade, an arrangement which was attended with the happiest results in the discipline and tone of the army.

The instructions which I received, on leaving Washington, pressed upon me the importance of sending a column into East Tennessee. While the organization of my army, and the preparation of transportation to enable it to move, were going on, I studied the subject very carefully, and also suggested a plan of campaign against Nashville, and expressed my views very fully to the General-in-Chief with reference to both. I said that the campaign to East Tennessee would give occupation to thirty thousand men, twenty thousand to enter the State, with a reserve of ten thousand on the line of communications; and I stated what means would be required to supply the force at such a distance—two hundred miles by wagon transportation, a good part of the way through a barren mountainous region. For a campaign against Nashville, I proposed to march rapidly against that city, passing to the left of Bowling Green, through Glasgow and Gallatin, while a force from Missouri should ascend the Cumberland River under the protection of gun-boats. This was essential, because, to make the movement successful, it would be necessary to move very light, and depend on receiving supplies by the Cumberland River after getting through. In organizing my troops, I disposed them so that they could be directed upon either or both of these objects. By the last of December I had collected troops enough to organize four divisions—about forty thousand men. I had thrown one division forward to Munfordsville, one to Bacon Creek, on the same road, one near Green River, on the New Haven turnpike, and had one at Lebanon. Many of the Kentucky troops were yet scattered and not mustered in, but in some cases two or more regiments had been brought together for local service, with as many regiments added from other States, as at Calhoun, where there were perhaps six thousand men for the protection of the Green River country, and at Columbia perhaps three thousand. Other new regiments were rendezvousing at Bardstown for organization and preparation for service. As yet the most strenuous efforts had not succeeded in obtaining the necessary means of transportation for an advance.

About the middle of December Humphrey Marshall again invaded the State through Pikeville, with about twenty-five hundred men, though his force was represented at six or seven thousand. On the 17th I sent Colonel Garfield to take charge of a force of five regiments of infantry and about a regiment of cavalry, and operate against him. Marshall was defeated in two sharp engagements on the Big Sandy, near Prestonburgh, and by about the middle of February was driven out of the State.

Simultaneously with the advance of Marshall into Northeastern Kentucky General Zollicoffer made his appearance on the Cumberland River, near Somerset. His force was represented at twelve thousand men, but probably did not exceed eight thousand. The force sent for that purpose and to observe his movements failed to prevent him from crossing. I had previously kept a regiment at Somerset, and ordered the erection of a small work, both to watch that route into the State and to prevent the shipment of coal to Nashville. Zollicoffer crossed at Mill Spring and intrenched himself on the north bank of the river. On the 27th of December I ordered General Thomas to march from Lebanon and attack him in conjunction with the force already at Somerset, and at the same time sent two regiments of infantry and a battery of artillery to James-

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town to blockade the river, a steamer having already passed up with supplies for the enemy at Mill Spring.

Want of transportation delayed General Thomas's departure until the 1st of January. The weather had previously been tolerably good, but that very day the rainy season set in, and from that time until near the end of March the earth was thoroughly saturated, and every stream was flooded. The season in that respect was remarkable. The difficulties of the march were so great that General Thomas only arrived at a position twelve miles from Mill Spring, and about seventy-five miles from Lebanon, on the 18th. The enemy came out and attacked him at daylight on the morning of the 19th. The result was a signal victory to our arms. The enemy was pursued to his intrenchments, and during the night crossed the river. He lost a considerable number of men in killed, wounded, and prisoners, fourteen pieces of artillery, some fourteen hundred animals, and a large amount of other property and stores. General Zollicoffer was among the killed.

The battle of Mill Spring was at that time one of the most important that had occurred during the war, and the victory was, I believe, the first the Union arms achieved where the forces engaged were so large; but the lack of transportation, and the condition of the roads, rendered it impossible to follow it up.

Owing to the delay in procuring sufficient transportation for the expedition to East Tennessee, I had regarded the campaign against Nashville as the one which it would be necessary to enter upon first, in order to save time. I was waiting for the arrangement of the necessary concert between the forces on the Mississippi and my own to commence it, when, owing to the illness of the General-in-Chief, and at the request of the President, I wrote, on the 3d of January, to Major General Halleck, who was in command in Missouri, and proposed substantially the same plan I had submitted to the General-in-Chief, and substantially the same as that which afterward resulted in the capture of Fort Henry, Fort Donelson, and Nashville. It contemplated an advance upon Nashville through Kentucky, a strong demonstration, which might be converted into a real attack against Columbus, if the enemy should weaken that point to strengthen others that were threatened, and an advance of twenty thousand men up the Tennessee and Cumberland Rivers, under the protection of gun-boats. Such a force I deemed sufficient at that time, for the works at Forts Henry and Donelson had as yet no great strength, and were but feebly armed and garrisoned. If the expeditions should be threatened by a superior force, they were to unite, under the protection of the gun-boats, and make themselves secure until released by my advance upon Nashville. At that time I expected that the expedition already commenced against the enemy at Mill Spring would be fully accomplished in ten days, and General Thomas's troops in a position to be available for other service.

General Halleck replied to my proposition that he had not spare force enough to undertake it, and suggested the objection that the proposed operation was one upon outer lines, but he offered to make a demonstration from Paducah toward Columbus. These facts explain in part why I was not prepared to act as promptly as I could otherwise have done when General Halleck subsequently commenced his advance up the Tennessee River. He stated also that he hoped in a few weeks to be able to render me material assistance. A mere demonstration, not in sufficient force to take a decided part in the campaign, would have been of no avail, because either my advance must be rapid directly against Nashville by flanking Bowling Green—an essential condition of which would

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be that I should meet supplies transported up the Cumberland—or else it must be deliberate, and with heavy artillery, against Bowling Green, strengthened as that position was by fortifications on both sides of Barren River; and I had not then the means necessary for such an operation. Besides, I received about the same time communications from the President and the General-in-Chief, urging the expedition to East Tennessee as of primary importance. I therefore gave my attention to it, intending to start that expedition from Somerset, with the troops that were moving against the enemy at Mill Spring. The preparation of transportation was urged forward, and a strong force was set to work to *corduroy* the road to render it practicable. Nevertheless, it was barely possible to subsist the ten thousand men at Somerset. The experiment demonstrated the impracticability of sending an expedition to East Tennessee in such force as to insure success in the present condition of the roads; and on the 1st of February I so advised the General-in-Chief in a letter, with full explanations, and expressed my purpose to proceed against Bowling Green.

I had had no communication with General Halleck since his reply to my letter of the 3d of January, but on the 30th I received a dispatch from him, saying, without giving particulars, that he had ordered an expedition against Fort Henry. The same day I had suggested to him, by letter, a rapid gun-boat expedition up the Tennessee and Cumberland Rivers to destroy bridges over those streams. Although Forts Henry and Donelson had been considerably strengthened, I believed the gun-boats could pass them without any great risk. On the 6th I ordered one brigade from the mouth of Green River, and eight new regiments, to re-enforce General Halleck's expedition. They did not, however, arrive until after the capture of that place, which occurred on the 7th, but took part in the subsequent operations against Fort Donelson.

General Halleck found great difficulty in the movement against Fort Donelson, although the distance from Fort Henry was only about twelve miles. The enemy had greatly strengthened the works and increased the garrison. Protected as Bowling Green was by fortifications, the formidable river in front, and by the condition of the roads, I apprehended that my operations against that place could not be rapid enough to prevent the enemy from re-enforcing Fort Donelson so strongly as to endanger the success of General Halleck's operations. Upon consultation with him, therefore, I commenced, on the 13th, the movement of three divisions to re-enforce him by water, which would not only make the reduction of the place certain, but give force enough to operate against Nashville on that line, while the rest of my force was threatening Bowling Green in front. The advance of General Mitchell's division arrived opposite Bowling Green on the morning of the 14th, and found the bridge in flames and the enemy evacuating the place. That officer was directed to cross rapidly and throw a force forward toward Nashville; and the advance on that line was strengthened by a division which was to have gone to the Cumberland.

The operation of passing the river at Bowling Green, in its swollen condition, was difficult and tedious. The advanced division, General Mitchell's, did not get entirely over for ten days, notwithstanding the energy of that officer. While this was going on the troops in rear were employed in repairing the railroad. On the 24th the river was so high that small steamers were taken over the broken dams, and reached Bowling Green with supplies and to assist in ferrying. About the same time a ponton-bridge was laid, and, although the overflow of the banks seriously interfered, yet the troops were able to pass with comparative rapidity.

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In the meantime I was informed, about the 17th, of the surrender of Fort Donelson. I arrived at Bowling Green on the 20th, and on the 21st learned that the enemy had evacuated Clarksville and fallen back on Nashville, and that he had burned the bridges at Nashville. On the morning of the 22d the troops that had crossed the river at Bowling Green, two brigades and a half, started for Nashville, without wagons, very few having yet been got across. With about 1,000 men on cars, which the enemy had not succeeded in carrying off or destroying, I expected to reach within nine miles of Nashville that night; but a heavy rain destroyed the road in advance of us, and I did not reach the river opposite Nashville until the night of the 24th. The remainder of the troops arrived at the same time by marching. I had telegraphed General Halleck, and sent a courier through to Clarksville, giving information of my movements, and requesting that the gun-boats should proceed at once up the river. I apprehended that they would meet one battery on the way, but they arrived without molestation on the night of the 24th, convoying the transports with the troops of General Nelson and General Crittenden, three brigades; and, on the morning of the 25th, the troops entered Nashville and took position beyond the city, toward Murfreesborough, the enemy having retired to that place.

The river was out of its banks, and the work of crossing was tedious. General Mitchell s division passed over on the 25th and 26th, and the other divisions as rapidly as possible, but the whole had not crossed until about the 5th of March. General Thomas's division arrived by water on the 2d. The troops moved by forced marches, without baggage, owing to the difficulty of getting their wagons over the streams. The trains did not, therefore, arrive for several days after. Those that could arrive more rapidly that way were transported by water up the Cumberland.

The strength of the enemy at Murfreesborough, after the evacuation of Nashville, was estimated at the time, and has since been stated by persons who had means of judging, at about 30,000 men. This force included what was collected of the troops that were defeated at Mill Spring, and the force that had been at Bowling Green and other points north of the Cumberland River, excepting what was captured at Fort Donelson. It commenced moving south from Murfreesborough in a very few days after my arrival at Nashville, and, as is well known, eventually formed a junction with the forces of General Beauregard, at Corinth. A pursuit, with the hope of overtaking it on its line of march, would have been futile for that object, even if the force had been up to commence it at once, for every stream was flooded and every bridge was destroyed as the enemy retired. The only alternative was to operate deliberately against some line or point which it was his object to defend, and the Memphis and Charleston Railroad presented such an object. It was the same for the forces that were operating up the Tennessee River, under the orders of Major General Halleck; more particularly against the enemy's forces that by the recent operations had been compelled to evacuate the principal part of West Tennessee. It was necessary that our forces should act in concert against that object; better still that they should act under one direction; and the order of the War Department, which I received on the 12th of March, placing the whole force under General Halleck's command, was, therefore, eminently proper. On the 15th I commenced the movement toward the Tennessee River, in pursuance of the understanding which had voluntarily taken place between us before the orders of the War Department were received. General Halleck's dispatch of the 16th

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designated Savannah as the point where I was to form a junction with the force already assembling on the Tennessee River.

Before leaving Nashville I sent Brigadier General G. W. Morgan to take command of a column I had left on the Cumberland Gap road, which was increased to a division by scattered regiments that remained in Kentucky. He was instructed to pursue with energy and discretion the object of taking Cumberland Gap, and for his further progress to be governed by circumstances in East Tennessee, or to hold the enemy in check in that quarter, if his force should prove insufficient to advance. The operations of this column have been investigated partially by the commission, and I shall allude to them again in that connection. I also moved General Mitchell's division forward to Fayetteville, twenty-six miles from Huntsville, for the purpose of seizing the Memphis and Charleston road. The enemy withdrew his troops from that line, excepting small guards, and General Mitchell, on the 12th of April, five days after the battle of Shiloh, entered Huntsville. Various other dispositions and instructions were made with reference to the troops that were to occupy Middle Tennessee during my absence with the main army. The latter numbered about thirty-seven thousand men, the former about eighteen thousand.

The march toward the Tennessee River, on the 15th of March, commenced with one division, preceded by a rapid movement of cavalry, to get possession of the bridges as far as Columbia before the enemy could destroy them. It succeeded with all of the bridges excepting the one over Duck River, at Columbia, and one four miles north of that place. The work of preparing the means of crossing Duck River was urged forward by all possible means, and was under the charge of zealous and energetic officers; but it was not completed until the 31st of March. The river, which, at first forty feet deep, had been gradully receding, was watched day by day, and finally became fordable for cavalry the very day the bridges were completed. The army then moved forward steadily, the advance and myself reaching Savannah, about ninety miles from Columbia, on the evening of the 5th of April. The other divisions followed, with intervals of six miles from the head of one division to the head of the next.

The battle of Shiloh, which occurred on the 6th and 7th of April, has been justly considered one of the most remarkable of the war, in regard to the numbers engaged, the reverses of the first day, and the success of the second. The particulars, so far as my command was concerned, have been given in my official report of that battle, hereunto appended, and it is not necessary to repeat them. I believe that report states, in very moderate terms, the part which my command took in the incidents of that field. It has been conceded that my army rescued our forces on the west bank of the Tennessee from certain destruction or capture, and the movement which preceded the battle was prompt and even rapid. I marched from Nashville not to rescue those forces, but to form a junction with them to operate against the enemy's position at Corinth; and it was desirable, and General Halleck's instructions required me, to effect the junction as promptly as possible. I was informed that I should find General Grant's army at Savannah, on the east side of the river, and I was surprised, and even concerned, when I heard, during the march, that it was on the west bank; but I was relieved from anxiety by the information that it was so protected by high water in the streams which interposed between it and the enemy, and nearly surrounded it, as to be perfectly secure.

It is not necessary to go into the particulars of the campaign against

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Corinth. My command formed the center in the advance on that place. By General Halleck's order, one of my divisions—General Thomas's—served with General Grant's command in that advance, and did not again come under my supervision, or actually under my control, until about the last of July. The enemy's works were entered about daylight on the morning of the 30th, having been evacuated the previous night.

I come now to the period embraced in the investigations of the commission, and proceed to a general review of the more material facts which have been developed in the evidence. I shall do this without pretending to offer at present a nice analysis of the testimony, or, as a general rule, even citing that which bears on the points which I claim to be established by it. No other course could well be pursued, because otherwise much time would be consumed in illustrating facts to which no importance might attach, as no specific charges or allegations have been submitted for trial. Such an analysis could only be made by me after knowing what points the commission may give importance to. That I have no means of knowing now, a vast amount of evidence, oral and documentary, having been submitted without any explained purpose, and which may be important or not, according to the interpretation or bearing given to it. Nor shall I remark upon any of the incidents of this investigation.

The subjects submitted to the commission by the War Department are as follows:

"1. In reference to General Buell suffering the State of Kentucky to be invaded by the rebel forces under General Bragg.

"2. In his failing to relieve Munfordsville, and suffering it to be captured.

"3. In reference to the battle of Perryville and General Buell's conduct during that battle, and afterward suffering the rebel forces to escape from Kentucky without loss or capture.

"4. Such other matters touching the military operations aforesaid as in the judgment of the commission shall be beneficial to the service."

On the 30th of May, after the evacuation of Corinth by the rebel forces, I received a communication from Major General Halleck, informing me that his first object was to open the lines of railroad centering at that point from our rear and flanks, and directing me to put one of my divisions on that duty on the Memphis and Charleston road east of Corinth. I accordingly detached the division of General Wood on that service. The army of General Pope was following up the retiring enemy in the direction of Baldwin. On the 4th of June I received instructions to re-enforce General Pope, near Booneville, with two divisions, in anticipation of an attack from the enemy. I accompanied those divisions myself. The enemy, however, continued his retreat toward Okolona; and on the 9th I received intimation that a part of the force under my command would return to Tennessee, and that I could make my arrangements accordingly. At my request I was authorized to start the two divisions (Nelson's and Crittenden's) that were with me in that direction. General McCook's division, then at Corinth, was to remain there until relieved by General Thomas's division, which had also been sent to re-enforce General Pope. General Thomas's division originally formed part of my army, but had been detached from my command since the commencement of the advance upon Corinth. I was informed that it would probably rejoin me at a future day for the movement toward Tennessee.

I stopped at General Halleck's headquarters on my return from Booneville, on the 10th, and visited them again on the 11th; and during those

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visits received his oral instructions with reference to the campaign I was to enter upon. Its object was the occupation of East Tennessee and certain important points on the railroad through that region of country—Chattanooga, Dalton, and Knoxville were points which it was considered important to occupy. I requested that I might be allowed to choose my own route; and at that interview General Halleck assented, though he had been in favor of moving directly on Chattanooga through North Alabama; but on the 12th I received a dispatch from him, saying that, on further reflection, he deemed it best that the route he had suggested should be pursued. My own idea had been to strike a little further north, through Middle Tennessee and McMinnville.

General Halleck desired that the movement should be made as promptly as possible, but it was a condition that the railroad from Corinth east should be repaired, and it was his idea that I should draw my supplies by that route. I did not concur in his views in regard to the advantages of that route, and I immediately gave orders for repairing the roads from Nashville through Tennessee, and for procuring supplies in that way; but I placed the superintendence of the Memphis and Charleston Road under an energetic and experienced engineer. Brigadier General Smith, put troops on the route, and gave orders for pushing the repairs as rapidly as possible. Subsequently I suggested the inexpediency of repairing the road. It was for eighty miles parallel with the enemy's front, and peculiarly exposed to attack. This objection was realized in the end, and, in addition, it was found impossible to get stock enough on the road to make it of material use, even while it was kept open; so that substantially we derived no advantage from it. It, however, occupied the troops until about the last of June in opening it, and detained General Thomas's division a month longer in guarding it; so that that division did not reach Athens and Huntsville until the last of July.

As soon as my destination was pointed out to me, instructions were given to my engineer officer, Captain Morton, to prepare the means of crossing the river at Florence, and similar instructions were given to General Mitchell, then commanding at Huntsville, for crossing a portion of my force at Decatur, so as to have the advantage of two roads and two crossings. A very efficient ferry was prepared at Florence, and a very inefficient one at Decatur.

General McCook's division marched from Corinth on the 11th and reached Florence on the 15th of June. It was followed closely by Crittenden's division, which had come into the road at Iuka, from Booneville. General Wood's was advanced to and beyond Tuscumbia to repair and guard the road, while General Nelson's took its place between Iuka and Tuscumbia. The few boats that were of light enough draught were employed in forwarding supplies by water to Florence; and in order to make up for the deficiency, wagon trains were put on the road from Eastport to Iuka to connect with the single half-serviceable locomotive and the few cars that were available on the railroad. The boats were only able to carry from thirty to forty tons over the shoals, and after a few trips could not run at all; after which wagon trains were started on the north side of the river between Florence and Waterloo, nearly opposite Eastport. The ferry at Florence was ready for use on the 22d of June, and the crossing was commenced, but rumors of a movement of the enemy toward Iuka suspended the forward movement from the opposite side until the 25th. Wagon trains were first put across and dispatched to Reynolds's Station, where they connected with the railroad trains from Nashville, to convey supplies over the gap in

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the road to Athens. General Mitchell had previously been instructed to have supplies for a certain number of days, until the trains should be established, to meet the troops on their arrival at Athens and Decatur. The divisions moved forward in close succession by marches of about fourteen miles a day—Nelson's and Wood's as soon as they were relieved from the road by other troops. Wood's division finished crossing at Decatur on the 6th of July. The other three divisions, crossing at Florence, commenced arriving at Athens on the 27th of June. The troops halted at these points momentarily, and their trains were thrown into the gap on the railroad to push forward supplies.

The problem of advancing into East Tennessee was now fairly before me. The force which I brought along numbered between twenty-four and twenty-five thousand effective men; and there were besides about sixteen thousand more scattered through Middle Tennessee and North Alabama, that I had left behind for service in that region when I marched to form the junction with General Grant's army on the Tennessee River in April. That force, mainly under the command of General Mitchell, has been generally awarded praise for the service it performed, and very justly, yet not more than two thousand men ever appeared on the field of its operations to oppose it. It was not the numbers of the enemy that made its service difficult and creditable, but it was the large extent of country it occupied, the length of the lines it had to guard, and the difficulty of supplying it. Those lines had still to be held in a further advance, and with no less force to make them secure, for the force which endangered them had been largely increased by the transfer of a large part of the enemy's cavalry to the north side of the Tennessee River after the evacuation of Corinth, and by the organization of an additional force of guerrillas throughout Middle Tennessee and North Alabama, and in the southwestern portion of Kentucky.

The limited force available for a further advance into the enemy's country was not, however, at the time of my arrival, the difficulty; for undoubtedly it was superior to the force which the enemy at that moment had in East Tennessee. Experience has shown what might have been deduced from reason, that if the movement could have been made without serious resistance, while the enemy was yet inferior in force, it could have had no permanent result with no more troops than I had. The advance of sixty thousand veteran rebel troops through a friendly population into Kentucky, where they undoubtedly met many friends, has been considered bold, and must have proved fatally disastrous to them but for their precipitate retreat. I know no reason why twenty-five or thirty thousand men should be sufficient to advance with any greater prospect of a permanent advantage into an exhausted and comparatively barren country, and in as close proximity to the whole power of the enemy. It was my error to believe at that time that the thing was practicable, and I did not represent it otherwise when I was assigned to the execution of it; but I must say also, in extenuation, that I did not anticipate that the enemy was to be left so unemployed at other points that he could devote his greatest effort against my enterprise. Besides, I regarded it as in the highest degree important, and I supposed that no larger force could be spared for it.

However, at the time of my arrival with my army in North Alabama, the immediate obstacle to the execution of the first step, the capture of Chattanooga, was that of supplies and the means of crossing the Tennessee River. The means to overcome these difficulties had to be created, for they did not exist. The lumber had to be sawed and a bridge built, and supplies for the troops had to be brought, for the

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country was destitute of them. The country between Decatur and Huntsville, and extending up into Middle Tennessee, is a cultivated and productive one; but as far north as the Tennessee line, and even including the southern tier of the counties of Tennessee, it is cultivated mainly in cotton. The planters never produce more than an ample supply of meat and corn for their own use, and not always that. Further north Tennessee produces considerable quantities of surplus provisions, but not enough to supply the demand further south, as is shown by the fact that large quantities of produce from the Northwestern States have annually found a market at Nashville. The demand upon the surplus provisions of Tennessee had been increased by the rebellion, which cut off the supply from the Northwest, and by the armies, rebel and Union, which, during the winter and spring of 1862, fed upon the country to a considerable extent. North Alabama particularly was left in a condition to need the necessaries of life, instead of affording subsistence for an army. East of Huntsville the spurs of the Cumberland Mountain run down nearly to the river, leaving only here and there a narrow valley or cove of arable land. The whole country is rough, and almost barren, producing no more than is necessary for the support of a poor and sparse population. East of Stevenson, as far as Chattanooga, it may be said to be destitute both of population and supplies. Beyond Chattanooga the productive region of East Tennessee commences; but during last summer it was exhausted of supplies, and the people themselves were, as they are now, notwithstanding the new crop they have since gathered, suffering from food. These facts go to the extent of rendering it impossible for my army to have advanced and depend on the resources of the country. The alternative of drawing its supplies from its principal base, the Ohio River, was imperative, and my wagon transportation was not sufficient to cover breaks in the railroads north of Huntsville, and to advance beyond Bridgeport at the same time.

The first essential, therefore, was the opening of the railroads from Nashville; and to that end the force which General Mitchell had been ordered to put at that work was increased by engineer and other troops to the whole force that could be employed. Hired mechanics, under the military superintendent of railroads, an able and efficient man at such work, were also employed; and orders were given to push forward the repairs with all possible dispatch. But the work was much more formidable than had been supposed, and the work which I had expected to see completed in ten or fifteen days was not finished until the 31st of July, on the Nashville and Decatur road. The Nashville and Chattanooga road was completed on the 12th of July; the trains started through on the 13th, and were stopped by the attack and surrender at Murfreesborough, by which, and by subsequent successful attacks, the completion of that road was delayed until the 28th of July.

In order to conceal the object, or at least the progress, of my campaign as much as possible, it was desirable not to concentrate my force at a point which immediately threatened the enemy's position until I was prepared to move against him. This was also expedient from the necessity of placing the troops in positions where they could be most conveniently subsisted, and where they could give the necessary assistance in repairing the roads, and in guarding them until they should be securely established, and protected at the more vulnerable points by stockades or other defenses which would enable a small force to maintain itself against a larger one. Prior to my arrival in North Alabama, however, General Mitchell had entertained serious apprehensions of an attack on the positions which he occupied in that region, particularly at

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Battle Creek and along the Nashville and Chattanooga Railroad; and repeated dispatches from him urged the pressing importance of re-enforcements to guard against the supposed danger. These reports of a probable attack at Battle Creek were repeated just after my arrival, and rendered it proper to increase the force at that point. McCook's and Crittenden's divisions were accordingly ordered there. They marched from Athens about the 4th, and arrived at Battle Creek about the 14th of July. One brigade from the former was put at work on the road from Stevenson to Decherd. Nelson's division still remained at Athens, furnishing a strong working party on that road. Wood's division was stopped near Decatur, where it protected the ferry and the small garrison on the opposite side of the river; the idea not having been yet abandoned of making the Memphis and Chattanooga road west of that point available for supplying my troops and communicating with the forces about Corinth. With these dispositions, orders were given for establishing the regular road guards, and for getting together again the fragments of brigades and regiments previously there, which were found scattered in very great confusion; a brigade was organized to move from Murfreesborough and Tullahoma and occupy McMinnville; intelligent and energetic officers were put in charge of the road guards and road repairs; mills were set to work to get out lumber for a ponton bridge; horses were ordered for the cavalry, which had been left in Middle Tennessee, and was in bad condition; and various other preparations ordered to enable the troops to move promptly and effectively as soon as the roads were completed, so that supplies could be provided.

The first raid of Morgan into Kentucky took place early in July. He threatened Bowling Green and Munfordsville about the 8th of July; defeated three companies of cavalry at Burksville about the same time, and then went to Lebanon, where he destroyed the depot and hospital buildings. Thence he proceeded north through Lexington, as far as Paris. He was engaged at Paris and other points during his expedition, but with no important result. He finally recrossed the Cumberland River, at or near Mill Spring, about the 23d of July, and made his way to Knoxville.

The force which made this incursion has been said not to have exceeded one thousand men, though at the time it was estimated as high as twenty-five hundred or three thousand. It produced a good deal of alarm in the State, and many apprehended that the force would receive large accessions to its ranks, and that the sympathizing part of the population would become troublesome; but those apprehensions were not realized. The injury was confined mainly to the inconvenience and suffering inflicted on individuals, and I have no doubt that the effect on the population was to strengthen its adhesion to the Union.

A good deal of censure was cast on the troops and the military officers in the State, that Morgan should have escaped without capture or greater loss, but not with much justice, when the circumstances are considered. The objects to be aimed at by my army, after the occupation of Nashville in February, made it necessary to carry forward, for further operations, nearly the whole of the force at my disposal; and indeed, the high stage of water in the Cumberland River afforded security at that time against such invasions, even if the rebel force had not left that region of country to concentrate for the struggle on the south side of the Tennessee. For these reasons, except the column which was operating against Cumberland Gap, not more than about four thousand

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troops, mostly infantry, were left behind, and these were scattered over the principal part of the State, more as a police force and to guard railroads than to prevent invasion.

The probable result of our operations against Corinth developed to my mind the advantage the enemy could derive from the employment of a large cavalry force in Middle Tennessee and Kentucky, and on the 12th of May I advised the Secretary of War of the necessity of having at least five more cavalry regiments in those two States. I was answered that there was not at the time any cavalry to spare for the service, but that an additional force was to be raised, and that a portion of it would be sent to me. None came, though authority was given to the officer commanding in Kentucky to raise some cavalry regiments. These, however, were in no condition to render much service at the time of Morgan's first raid. Subsequent events have shown, what might have been evident enough without the experiment, that, to prevent such incursions and carry on the operations in front which the progress of our arms had rendered necessary, was physically impossible with the force that was available. I had a front extending from Corinth to Cumberland Gap, through a hostile population, a distance of three hundred miles; in fact, it extended to Piketon, in the northeast corner of Kentucky, one hundred miles further, with lines of communication varying from two hundred to three hundred miles in depth. To press successfully against the rebel armies along the line of the Memphis and Charleston railroad, it had been necessary to denude the lines and the whole country in my rear almost entirely of troops. The front, from Battle Creek to Cumberland Gap, it was not possible to occupy at all. Is it astonishing that one thousand cavalry, familiar with every path, should be able to penetrate this vast extent of country and escape without capture?

Morgan had not yet disappeared from Kentucky, after his first inroad, when Forrest, with a large force, suddenly appeared at Murfreesborough, on the 13th of July, surprised and captured the garrison, consisting of some fourteen hundred men, (cavalry, artillery, and infantry,) forming part of the force which was about to march from that place and Tullahoma to occupy McMinnville, and did serious damage to the railroad. Two other regiments which had been designed as a permanent garrison for Murfreesborough had been detached and sent into Kentucky on the occasion of Morgan's incursion. The consequence of this disaster was serious. The use of the railroad from Nashville, which had been completed the day before, and which I was depending on to throw supplies into Stevenson for a forward movement, was set back two weeks; the force of Forrest threatened Nashville itself and the whole line of railroad through Tennessee; and the occupation of McMinnville was delayed two weeks. It became necessary to move northward some of the troops in North Alabama, to drive out the rebel force, and guard against further embarrassment. Nelson's division was ordered by rapid marches to Murfreesborough, one brigade going by railroad through Nashville. Two brigades of Wood's division were ordered from Decatur to Shelbyville by forced marches, and subsequently to Decherd, to give greater security to Elk River bridge, and guard the important route from the mountains into North Alabama through Winchester. A little later the remaining brigade of Wood's division was ordered to Stevenson to erect defensive works for the depot which was to be established at that point for the movement against Chattanooga. The excitement caused by Morgan's raid into Kentucky had been so great, and the call for troops so urgent, that I apprehended I should be com-

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pelled to send a division there; but to do that was to put an advance into East Tennessee out of the question, and I determined to trust Kentucky to the few troops already there, rather than abandon the object for which I had started.

The movement of General Nelson toward Nashville was delayed somewhat by injury to the Duck River bridge by high water. He arrived at Murfreesborough on the 18th. The enemy left as he advanced; threw himself on the road between that place and Nashville, and captured a guard of about eighty men, and destroyed two more bridges. The efforts of General Nelson to intercept him were unsuccessful. After throwing up some field-works for a small force at Murfreesborough, to protect the depot which it was necessary to establish there, General Nelson started, on the 2d of August, with two brigades, and arrived at McMinnville on the 3d of August. One brigade remained at Murfreesborough, but on the arrival of the force which had been designated to occupy the place, that brigade joined him at McMinnville.

The railroad from Nashville to Stevenson was completed on the 28th of July; that from Nashville to Decatur on the 31st, and preparations commenced for an advance. Supplies were pushed forward to the depot at Stevenson; the ponton-bridge was gotten ready to be laid; the wagon-trains which had been in use on the Decatur road were thrown across to Decherd, from which point they could be moved rapidly to Stevenson; and the troops, including General Thomas's division, which arrived at Athens and Huntsville about the 31st of July, were moved so as to be in convenient positions for the same object. In the mean time the enemy continued his operations with large bodies of cavalry against our long lines of communication through Tennessee and Kentucky, seconded in Tennessee by the organization of guerrilla bands which swarmed in every part of the country. These latter were frequently encountered and defeated by detachments of our small cavalry force; but the former, moving in superior force and striking at vulnerable points, were generally successful, and finally, on the 10th of August, severed effectually our communications between Nashville and Louisville. In addition to the destruction of our lines of communication, the effect of these operations, and of the formidable preparations which were reported and believed to be in progress for the invasion of Middle Tennessee and the capture of Nashville, was to intimidate our friends and embolden our enemies among the people, who not only would not bring in supplies voluntarily, but used every means to prevent us from finding them; so that nothing could be obtained from the country except by means of our own trains under the protection of strong escorts. On the 6th of August I gave orders for fortifying Nashville, to make it secure with a small garrison against any attack from cavalry.

On the 10th of August Morgan again made his appearance at Gallatin, surprised and captured the garrison, amounting to one hundred and fifty infantry; then moved toward Nashville, destroying several bridges and capturing the guards; then toward Bowling Green, destroying the tunnel seven miles north of Gallatin, and several tressel-works and small bridges in that region. He was, however, handsomely repulsed in some instances by the small force opposed to him in these attacks. Simultaneously with this, Forrest with a large force, moved toward the Cumberland River, to be in a position to support Morgan or threaten Nashville, if it should diminish its garrison, which consisted of about two thousand men. Immediately after the occurrence of the first raid I determined to withdraw my cavalry as much as possible from its service in detachments against the bands of guerrillas which invested the

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roads, and concentrate it in large bodies. By supporting them with infantry, equipped to move lightly, I hoped to be able to drive the enemy's heavy cavalry force from the lines. One of these commands I designed should operate from Murfreesborough, and another from McMinnville. An experienced cavalry officer was assigned to the command of the former, with general instructions which allowed him a good deal of discretion. The zeal of this officer caused him to move in pursuit of the enemy with about seven hundred men, before the whole of his command had joined. On hearing of this, and knowing that he was outnumbered by the enemy, I dispatched instructions for re-enforcing him with infantry from McMinnville, if he could be reached, and to restrain him until he had sufficient strength. The instructions did not, however, reach him, nor could his whereabouts be ascertained so as to re-enforce him. Hearing that Morgan had again appeared in the neighborhood of Gallatin, he crossed the river at Hartsville in pursuit, engaged Morgan's force not far from that place about the middle of August, was defeated, and himself and some one hundred and fifty of his men taken prisoners. The remainder made their escape, in stragglers and small bodies, to Nashville. The strength of Morgan's band at this time was estimated at from fifteen hundred to three thousand.

Work was immediately commenced to repair again the road north of Nashville, but the continued presence of Morgan's force in that quarter made it impossible to carry it beyond Gallatin, except by withdrawing from the front so large a force as to preclude the idea of an advance; and I therefore determined to defer it until it could be protected by a force, which I hoped might come from Louisville, of the new troops that were being called out. On the 16th of August I ordered Major General Nelson to Kentucky to command, and sent with him three general and some other officers of experience, and two batteries of artillery. The position required an officer of his rank, and I had great confidence in his energy and ability.

While the enemy was producing this serious embarrassment by the operations of his large cavalry force, regular and irregular, on our long lines of communication, he was collecting a large army at various points in Tennessee, from Chattanooga eastward. For a considerable time the main point of concentration was doubtful, and the railroad facilities which the enemy possessed enabled him to concentrate speedily at any point. General Bragg arrived in person at Chattanooga on the 28th of July, by which time his whole force was within easy reach of that point; and from that time reports were current of his intention to assume the offensive. Sometimes they were quite positive that he was already crossing the river at Chattanooga, Kingston, and other points.

The lowest estimate that could be made of the force with which the enemy was prepared to advance, according to the best sources of information, was sixty thousand men. That has, I think, been more than confirmed by the evidence before the commission. Eye-witnesses estimated the force as high as one hundred thousand. My dispatch of the 7th of August to the General in-Chief, Major General Halleck, gave information on this subject somewhat in detail, and not in a discouraging tone; for I was continuing my preparations to advance, and was, in my own mind, disposed to make perhaps more than due allowance for exaggeration in the information that reached me. I was the more confident when, on the 10th of August, General Halleck authorized me to call on General Grant for two divisions, if I should find it absolutely necessary. On the 12th I requested General Grant to send the divisions, intending to use one of them to protect my communications with Louis-

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ville, and bring the other to the front; but their movements were at first involved in some uncertainty. At a later period I could get no information of them at all, and feared that General Grant had not been able to spare them, as he was himself threatened. One of them reached Murfreesborough on the 1st, and the other Nashville about the 12th of September.

Very soon the information of the enemy's intention took such shape as to leave no doubt that he was about to invade Middle Tennessee with a superior force, and to make it proper to suspend the accumulation of supplies at Stevenson, and establish a depot at Decherd, as being most suitable for that disposition of my troops which the designs of the enemy, as far as they could be divined, rendered proper to oppose him. The information pointed to Nashville as his principal aim, and justified the conclusion that at least he believed he had force enough to accomplish his object. It was ascertained that the number of my troops was quite accurately known to him. The route which he would take was altogether a matter of conjecture, to be founded on probabilities. McMinnville was mentioned very often, in the information which reached me, as the first point of attack, and they were so frequent that I deemed it proper to strengthen the force in that quarter; but the difficulty of crossing the mountain weakened the probability of an advance in that direction, while an advance into North Alabama was not only spoken of, in connection with the enemy's plans, but offered many advantages. By crossing Waldron's Ridge into the Sequatchie Valley, he had a good level road down that valley to Battle Creek, which was an indefensible position for us while he occupied the opposite side of the Tennessee River with his artillery. This would keep him in constant communication with his supplies at Chattanooga, by means of the railroad on the opposite bank and the steamers which he had; his large cavalry force operating against Nashville, and on my lines of communication, would compel me to employ at least twenty thousand men to protect them even that far, leaving about twenty-five thousand men to oppose his advance in front. If the column from Kingston should advance on Nashville, I should be compelled to fall back in the face of even an inferior force for the protection of that place, and thus both Alabama and the principal part of Middle Tennessee could be reclaimed by the enemy without necessarily risking a battle. It is not too much to say that fifty thousand men thus employed on this theater of operations, with the superior cavalry force which the enemy had, would be an overmatch for sixty thousand operating upon lines of such depth in the midst of an unfriendly population.

Such were the inducements which an advance upon Battle Creek offered to the enemy, even supposing that I was entirely on the north side of the Cumberland Ridge, say at Decherd; but, in fact, he was well aware that I still occupied North Alabama, with some twelve thousand men at Battle Creek, while the rest of my force extended as far north and east as McMinnville. If he could reach Battle Creek before the force at that place should extricate itself by moving to the east, it would have to go around by the way of Huntsville, and thus make a march of one hundred and twenty miles to reach Decherd, the nearest point at which it could possibly form a junction with the forces north of the mountain, while he, by a march of twenty-five miles from Jasper, could reach the same point, and thus throw his whole force between my scattered troops. The position at Battle Creek is, for a force whose communications are on the north side of the mountain, one of the worst that can be imagined against an enemy coming from the Sequatchie Valley and holding the

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opposite bank of the Tennessee River. A spur of the Cumberland Ridge comes to within two hundred yards of the river; Battle Creek runs at the foot of this spur on the east side, emptying into the river near the point; the only position for troops is west of the spur; the road to Decherd, a distance of twenty-five miles, passes around the point of this spur and along its side up Battle Creek, in full view from the opposite side of the river and the creek; and there is no other road to the north side of the mountain practicable for loaded wagons short of Huntsville, distant seventy-five miles. For the double purpose of guarding against an attack in this faulty position, and of observing the movements and checking the advance of the enemy in the Sequatchie Valley, I issued the instructions of the 19th of August to Major General McCook; my purpose then being to attack the enemy in the Sequatchie Valley if possible, or to give him battle at the first point on his route where I could concentrate my troops. Those orders required General McCook, upon the first intelligence of an advance of the enemy toward the Sequatchie Valley, to move promptly up the valley to the Anderson and Therman road, with the two brigades of his division which were with him, to check the progress of the enemy and observe his movements. If pressed he was to fall back on the Therman road deliberately, until he should form a junction with the main force coming from the side of McMinnville. The other division which was with him at Battle Creek, General Crittenden's, was also to move up the valley to the Tracy City and Altamont road, which enters the valley ten miles below the Therman road. He was to support General McCook in the valley, watching the old Nashville and Chattanooga stage-road, which enters it from the Tennessee River at the point designated, and, under like circumstances, he was to fall back for a similar purpose on the Higginbottom road toward Tracy City and Altamont, where the junction would be formed. On the 20th I learned that the enemy was certainly crossing at Chattanooga and other points, and I immediately directed General McCook to execute the orders already described. On the same day I left Huntsville, visited the posts at Stevenson and Battle Creek, and the following day went to Decherd to direct the movements for the proposed junction. I deemed it of the highest importance, for political as well as military reasons, to maintain my position in North Alabama if possible, in connection with those movements, for which the instructions of the 19th of August, given to General Rousseau, the officer in command in North Alabama, in anticipation of my advance upon Chattanooga, were equally applicable; but I reduced the force in that quarter somewhat, leaving a regiment in fortifications at Battle Creek, one at Stevenson, and two at Huntsville, besides the road-guards and the force on the Nashville and Decatur line. The orders for the concentration at Altamont (see the instructions of the 23d of August to General Thomas) had reference to the plan of operations above referred to, for opposing the movements of the enemy, except that the information rendered it apparently certain that the enemy would advance on the Therman road, and that Altamont was the point farthest to the front at which he could be met. On the first supposition I had expected to intercept him in the Sequatchie Valley.

In moving up the valley on the 20th, General McCook received information from his spies and scouts which made him believe that the enemy would be in the Sequatchie Valley, and therefore in a position to intercept him, before he could march to the Therman road; and he therefore returned down the valley to the Higginbottom road. That road was found to be impracticable for his artillery, and he moved still nearer to Battle Creek, and put himself on the road which follows up Battle Creek

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and then crosses the mountain. I there sent him orders, on the 23d, to move to Pelham for the purpose of effecting the concentration at Altamont. The difficulties of the route prevented the concentration at the time appointed, and in the mean time information in regard to the movements of the enemy made it a matter of very great doubt whether it could be effected at that point at all before the enemy would anticipate it. The only alternative seemed to be to concentrate there or at Murfreesborough. I determined to attempt the former, and gave the orders accordingly. Those orders anticipated that, from the greater difficulties General McCook had to overcome, the troops moving from McMinnville, under Major General Thomas would reach Altamont first. The latter was instructed to attack the enemy's advance, if it should have reached there, and hold his position, if possible, until the other troops came up; and in the event of being unable to do that, the various columns were instructed as to the roads by which they should fall back to form a junction in rear. General Thomas marched to Altamont with a portion of his force at the time appointed. He found no enemy, and believing that he could not remain there for want of water, returned immediately to McMinnville. On his report, and in consequence of his action, I stopped the movement of all except General McCook's division, which remained at Altamont in observation until the final concentration at Murfreesborough.

The information which I received still pointed clearly to the Therman road as the one by which the enemy would advance, if at all; it is the best road across the mountain, and has the advantage of branching at Altamont into no less than four roads, which descend the mountain to an arc forty miles long, from McMinnville on one flank to Decherd on the other. Still, the movements of the enemy were less rapid than was expected, and placed him in a position to use that road or those further east. Many officers doubted that he meant to cross out of the Sequatchie Valley at all, but supposed that his movements were only intended as demonstrations to cover the advance of his columns into Kentucky from Knoxville. In the mean time our supplies were diminishing rapidly, with no prospect of renewal until a sufficient force was detached to restore our broken communications. This pressing necessity left no time either to advance, or to await the arrival of an enemy who could choose his time and route, with the certainty that the necessity of subsistence would very soon compel me to fall back, in whole or in part, whether there was an enemy in front or not, as long as his cavalry continued its operations in rear. The news from Kentucky was unsatisfactory. The rebel force under Kirby Smith was coming into the State, there was nothing but new levies to oppose him, and it was not known what number of them had been collected. So far from being able to open the communication between Nashville and Louisville, and from Cumberland Gap to Lexington, it was not improbable that those places themselves might soon be seized by the rebel forces. Under these circumstances, I determined to concentrate my army at Murfreesborough, and set to work to open the railroad north of Nashville. That object had already been delayed too long upon the hope of having it done by a force from Louisville. Orders were accordingly given on the 30th of August to the various commands and guards, distributed over an area of about one hundred and fifty by one hundred miles of territory and some three hundred miles of railroad, so as to concentrate on the 5th of September. The routes and marches were prescribed, and the movement was executed simultaneously and with perfect precision. With the exception of the force on the Decatur road, which was ordered to

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Nashville, the whole army, coming from various quarters and different distances, on four roads, concentrated at Murfreesborough on the 5th of September, bringing with it whatever supplies could be collected from the country. A small remnant of provisions, for which there was insufficient transportation, was destroyed at Huntsville, and, with that exception, not a pound of supplies was lost by the movement. After it was ordered, I learned that a considerable quantity of cotton, belonging to persons who had purchased it in the country, was at Athens, awaiting transportation. In order to give them an opportunity to remove it, I delayed the evacuation of that place perhaps a day or so.

On the 1st of September I learned that a large rebel force, under General Kirby Smith, had actually appeared in Central Kentucky, having defeated and routed the force under General Nelson at Richmond. This effectually cut off the division at Cumberland Gap from its base. I was anxious to rescue that force, and the shortest route by which it could be done was to direct a column from McMinnville, by the way of Somerset, upon the rear of Kirby Smith's army. I supposed that that might be done and still keep a front about McMinnville toward the army of General Bragg in the Sequatchie Valley; while the two divisions, one of which had arrived that day, from Corinth should open the communications between Nashville and Louisville. The forces at McMinnville and in that vicinity had not yet withdrawn from their position, and I accordingly suspended their movement, leaving its execution, however, to General Thomas, who was at McMinnville, and had the best opportunity to know any movements of the enemy in the Sequatchie Valley that would affect it. He answered, stating the advantages of a concentration at Murfreesborough, and advising me that he would march the following day, and so the concentration was executed as originally ordered.

I proceed now to notice certain theories and opinions that have been advanced concerning a plan of operations to oppose the movement of the rebel army across the mountain. As evidence, they are of no more value than though they had been expressed in idle discussion around a camp-fire, and are only entitled to credit according as they are correct in their premises and rational in their conclusions. They were new to me until this investigation had made some progress, and it appears that one of them in particular was promulgated after the arrival of my army in Louisville, where it was used as a text for criticism by officers who have not appeared as friendly witnesses before this commission.

Neither my own feelings, nor any fact that I am aware of, would justify me in assuming that General Thomas has entertained any other than the most friendly disposition toward me; but I was surprised at the opinion expressed by him before the commission, that Bragg's army might have been attacked at Sparta; and more astonished at the statement that he had urged upon me to concentrate at that place. My inquiries elicited the information that this proposition was communicated to me by telegraph on the 28th of August. At my request the dispatch was subsequently presented. It proved to have been written on the 22d instead of the 28th. It will be better understood after a brief review of the circumstances that gave rise to it.

General Thomas took command at McMinnville on the 19th of August. About that time I received very positive intelligence that the rebel forces were crossing the Tennessee River at three points at least—about ten thousand at Kingston, at least ten thousand at Harrison, and a force variously estimated at from forty to sixty thousand at Chattanooga. I telegraphed General Thomas and other officers on the 19th and 20th, in

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regard to this information, and prepared them for the further movements the enemy might be expected to make. I told him to look to Sparta and Smithville, anticipating that the column from Kingston might advance on that route against McMinnville, while we were threatened by the larger force elsewhere, or else toward Nashville to threaten our communications. This column he evidently kept in his mind, and it seemed to me that it was the only one he seriously regarded. The Chattanooga force proper, as he called it, he appeared either to doubt the existence of, or, at least, its purpose to cross the mountain. On the contrary, I had reasons, which he probably did not know, to believe that it would advance by the Therman road. I therefore telegraphed General Thomas, on the 22d of August, as follows:

"From McCook's information this morning, it seems almost certain that Bragg is marching on McMinnville. His advance was at the top of Waldron's Ridge last night. McCown is said to be crossing at Kingston, and Withers at Harrison. Of course they will expect to unite. What sort of ground can we take by concentrating at McMinnville? How would it do at Altamont? Is the ground such as to give us the advantage of our artillery? How many day's rations have you? Are you provided with ammunition? Be ready to march in the morning. Answer immediately."

And again as follows:

"Of course you will instantly recall your absent troops. I will probably bring the Second Kentucky by rail to march from here. We will advance to attack in the Sequatchie Valley. I can hardly think the enemy will attempt the march across to McMinnville—at least not immediately. It appears to me that he will rather endeavor to get into North Alabama, and perhaps strike across to Decherd. If we advance to Altamont we may thwart him in both, and preserve our communications with Decherd and Nashville. If we concentrate at McMinnville we lose North Alabama and Decherd. What think you? The great difficulty is in moving in the mountains with our trains. Of course we must cut loose from everything but our ammunition trains and subsistence for about six days, most of it in haversacks."

His answer to the first is the dispatch dated the 22d, at McMinnville, referred to in his testimony, and is in these words:

"By all means concentrate here. The enemy cannot reach Nashville by any other route across the mountains, unless by Sparta. At Altamont, I am positively informed, the enemy would have an equal advantage with ourselves. Here we will have a most decided advantage; and by being here, should he march by Sparta, we can meet him either there or at Allen's ford across Caney Fork. He is obliged to pass this place or Sparta to reach Nashville. I have six days' rations and plenty of ammunition. Did you get my dispatch of to-day? I cannot think that Bragg is coming here either by the Hill or Therman road. My reconnoitering party went into Dunlap yesterday."

His answer, of the same date, to the second is as follows:

"We can get neither forage nor water at Altamont. It will be as difficult for us to march across the mountains as the enemy to come either to Altamont or this place. I would not advise concentrating here, except for battle, or for an advance into East Tennessee. I think our communications with Nashville will be better preserved by holding Decherd with a division to enable us to concentrate either there, if

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threatened, or at this place. I have also information that Tupelo has been abandoned, and the most of the enemy at that place have been sent to Chattanooga. I therefore do not apprehend an attempt to regain North Alabama."

Upon further information that the enemy was advancing rapidly on the Therman road, I answered him, on the 23d, as follows:

"There is no possibility of our concentrating at McMinnville. We must concentrate in advance, and assume the offensive, or fall back at least to Murfreesborough. I deem the former the wisest, and we will act accordingly. I wish you therefore to move by a forced march to Altamont, there to form a junction with McCook, Crittenden, and Schoepf. McCook and Crittenden started for Tracy City from Jasper yesterday. I presume they are now at Tracy City, though possibly not. Schoepf will march at once. The junction must be formed to-morrow, and any division meeting the head of the enemy's column first must at least hold it in check until a larger force arrives.

"One battery to a division will, I think, be ample in the mountains. McCook and Crittenden have with them six batteries. Leave all of yours, therefore—at least don't take more than two. It will be necessary to leave some force with them, at least two regiments; and they should be covered with breast-works to-night without fail.

"I shall order Schoepf's batteries here to be similarly disposed of. There must be no delay or failure. The enemy's advance was at the top of Waldron's Ridge, ten miles from Chattanooga, night before last, and talked of being at McMinnville to-morrow. That is hardly possible, but they must be met at the earliest possible moment. Communicate with McCook to-night by a trusty scout. The distance is thirty-two miles. He may possibly not be at Tracy City. If not, look for him on the road to Battle Creek. If you think best, you may send your artillery to this place, which will release the force that would be required to protect them there; though, if they will be safe, there is some advantage in having a force at McMinnville. Take no wagons, except what will be necessary to carry rations and cooking utensils. I shall probably leave here with Sill's brigade to-morrow for Tracy City to join you. Communicate always in cipher by telegraph to this place, and by courier through Tracy City. Schoepf sends a report that Hardee is advancing on the Dunlap road. Answer, so that I may know exactly what you do. Your staff officers make mistakes in the use of the cipher."

I apprehend that further comment on this subject is unnecessary. The dispatch in question was in answer to my own inquiry, and had reference to the relative merits of McMinnville and Altamont as battle-grounds. It is certain that General Thomas has not consciously laid claim to an idea which did not possess him; but I apprehend that developed facts have been so mingled in his mind with impressions coincident in some particulars, though essentially different in the material points, that his memory has failed to draw the exact distinction between them. It is, however, due to him to say that the idea may have been in his mind that Bragg might cross the mountain to Sparta, and that he did not distinctly express it to me, imagining that I also entertained it myself.

But I do not propose to draw any advantage from the question whether or not a proposition was made to me to concentrate at Sparta. If it had been made, I should have judged it according to its merits, with the lights before me at the time, and I do not doubt that I should have rejected it on grounds which I will state.

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Besides the road which crosses from Jasper to Decherd, and the one which ascends the valley and thence goes to Crossville, there are no less than three roads by which the enemy could ascend the mountain to debouch from the Sequatchie Valley: first, the Therman road, which passes through or near Altamont, and then branches into at least four roads that descend the mountain into the plains of Middle Tennessee, between Decherd and McMinnville, a distance of about forty miles; second, a road which ascends the mountain at Dunlap and passes to McMinnville; third, a road which ascends the mountain a short distance below Pikeville and branches on the mountain, the left-hand branch going to McMinnville, and the right-hand forking again some twenty miles from McMinnville, one fork going to the latter place and the other to Sparta. There is also a road on the top of the mountain connecting all these roads. These geographical features would enable the enemy to arrive within twenty miles of McMinnville by not less than two roads before determining whether he would move on that point or Sparta, and by covering his movements with his superior cavalry force he could easily arrive within six or eight miles of either of those points before his destination could be known at all; and it is twenty-two miles at least from McMinnville to Sparta. If I had been at Sparta he could have been at McMinnville and in possession of my line of supplies before I could have known it. If I awaited at McMinnville the development of his plan he could have gone to Sparta and pursued his course, as he did. If I had divided my force between McMinnville and Sparta to anticipate him at both points he could have advanced with reasonable probability of success against either of them; and if the fractions should have been so strongly fortified as not to warrant an attack he could have avoided them, thrown himself between the two, and thus have forced them to retreat separately, or attempt the offensive against a concentrated force. General Thomas's own experience at McMinnville in obtaining information on which success would have depended, confirms my answer to one phase of this proposition, and is applicable to all of them.

On the 31st he reports: "The general impression is that the enemy is advancing, but I have yet to see the person who has seen any of the Chattanooga forces proper;" and on the 2d of August, in reply to the discretional instructions heretofore alluded to, he says: "I will start to-morrow. I have heard again that the enemy intends advancing on this place by the Therman, Dunlap, and Sparta roads. By concentrating at Murfreesborough we shall be within striking distance of this place. By convenient roads our main force can be thrown upon the enemy between this and Decherd or Hillsborough, overcome him, and drive him toward Sparta, his longest line of retreat. A large force of cavalry and light infantry can be pushed across the mountains by the Dunlap and Therman roads, attack him in rear, and completely rout his whole force. I have studied the roads, and am now convinced that this is our best plan of attack." It was afterward ascertained that the rebel forces under General Bragg actually commenced to arrive at Sparta the day after the date of this dispatch.

The reasons which made the concentration at Murfreesborough necessary and proper may now be briefly summed up:

It had been supposed that for the lack of supplies on the route the enemy would make his march across the mountains rapidly. Several days had already elapsed since, from the best information that could be obtained of his movements, it was supposed he would have arrived within striking distance, and he was still not nearer than the Sequatchie Valley.

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My supplies had been cut off for twenty days, and the expectation that the force in Kentucky would re-open the railroad on which they were dependent was frustrated by the invasion of the State by Kirby Smith, which, as the result proved, gave more than ample occupation to the raw troops that were there. I did not even know what force of that kind could be expected, for its organization had only very recently been commenced; and the State had recently been organized into a separate department not under my command. I was already reduced to about ten days' supply—a little more than that of breadstuff and some minor articles, and a good deal less of meat and other articles scarcely less essential. The quantity was increased at Nashville a little by the collection of flour and meat in the country. General Thomas reported on the 28th, from McMinnville, that no provisions could be procured in that region, and that for forage he could get fodder, but no corn; and his statement in regard to the scarcity in the country is confirmed by testimony before the commission. Such straits did not admit of any further delay to await an enemy who could choose his own time for the meeting, and who had already been eight days behind the time at which I had reason to expect him. An immediate concentration at a point nearer the source of supply, from which I was separated two hundred and sixty miles, was clearly necessary. It promised the only means of opening the railroad, and still holding Nashville, the possession of which was believed to be the enemy's first object.

But the concentration at Murfreesborough was expedient on other grounds. I could not have concentrated at any point as far in advance as McMinnville more than about thirty-one thousand men, and that force was not sufficient to attack Bragg's army united at any point. If I could have taken any position in which I could force or induce him to attack without delay, it would have been well; but such was not the case. In this uncertainty as to the time he might delay, and as to the route on which he would strike in force, while perhaps threatening by other routes, screened as he was by a range of mountains; with our communications with Louisville completely severed, and our supplies already reduced to a narrow margin, perhaps to be entirely exhausted when the advance of the enemy would make rapid operations necessary, it was plainly necessary to concentrate at some point nearer our base, by which means my effective force would be increased so as to be sufficient to meet the enemy whenever he should come, and still have enough to open our communications.

The plan of operations presented in the evidence of another witness of rank before the commission was to concentrate the army at Murfreesborough as soon as the rebel army commenced its advance from Chattanooga. This, except as to the time of the concentration, is the plan that was actually executed. The earlier execution of it would not have affected the result, but the distribution of my small cavalry force to guard the various passes across the mountains, from forty to sixty miles distant—which was one feature of the plan—could only have resulted in the capture or dispersion of the whole of them whenever the enemy chose to effect it. As for the idea of first concentrating at Murfreesborough and then advancing to attack the enemy at Sparta, it must suppose that the enemy would wait seven or eight days at that place to be attacked, which he did not do. I do not, therefore, see any advantage in this variation of the plan that was adopted; and if it had been submitted to my judgment, I should have rejected it.

Two witnesses of high rank, in answer to a question as to points north of the Cumberland River at which Bragg's army "could have

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been attacked with a prospect of success," expressed the opinion that it might have been done at Glasgow. This opinion was undoubtedly expressed without reflection, unless it referred to the advantage which the locality of Glasgow would have afforded for the attacking army, in case of a collision there, and not to the possibility of intercepting Bragg's army at that point; for the testimony of these two witnesses shows, and the map shows, that until Bragg's army crossed the Cumberland River and took up its march northward, it was impossible to know from its movements whether its plan was to go into Kentucky, or turn to the west against Nashville; that it is fifty miles from the Cumberland River where Bragg crossed it to Glasgow, while it is ninety-five miles from Nashville, where my army was, to Glasgow; and from these facts the witnesses admit that it was not possible to have intercepted Bragg's army at that point unless he had tarried there. In point of fact, the evidence shows that on the 7th of September I learned that a portion of Bragg's army had crossed the Cumberland River at Carthage, and was moving northward, probably toward Bowling Green, where I had caused some supplies to be accumulated by the way of Green River; and that I immediately ordered a portion of my army to march for that point. That, on the 10th, I learned what was before unknown, if not improbable, that another portion had crossed at Gainesborough and had probably marched in the same direction; and that I ordered other divisions, making six, for the same point, accompanying them myself. That this movement was made rapidly, the last of the six divisions arriving at Bowling Green Monday morning, the 15th, which was the time at which the rear of Bragg's army passed Glasgow. Thus, after gaining intelligence of his passage over the Cumberland River, I moved my army sixty-five miles while he was moving fifty, with the advantage of two roads, and I was still thirty miles in rear of him.

The same process of demonstration will show that, even if I had known he was going by Munfordsville, and if there had been nothing to delay me an hour at Bowling Green, I could not have intercepted him at Munfordsville, because I had one hundred and five miles to march, while he had but sixty-eight—the distance from Glasgow to Munfordsville being eighteen miles. In fact, his advance actually attacked the latter place the day before my sixth division reached Bowling Green. But, furthermore, it was not yet to be assumed that his destination was Central Kentucky; on the contrary, Glasgow was an important position for him. It effectually commanded my line of communication with my base of supplies, while he had two lines open—one with the East Tennessee railroad, which was his permanent base, and also with the valley of the Cumberland; and the other with Central Kentucky, where the occupation of Kirby Smith had established for him a second base.

Munfordsville did not offer the same advantages; for, although a much stronger natural position, yet in taking it he gave up his communications with Tennessee, and rendered those with Kirby Smith less secure against a force operating from the Ohio River, supposing Louisville to be secure to us. At Munfordsville his communication with Kirby Smith must have been along the Louisville turnpike, and thence across to Bardstown; while at Glasgow it would be along the old Lexington road through Summerville and Lebanon, or through Columbia and Lebanon or Liberty, by all of which roads I have moved large bodies of troops. Besides, at Munfordsville he would have been in a much less productive region than at Glasgow. These considerations, taken in connection with the risk he would run by advancing further into Kentucky, made it at least reasonably doubtful whether he would

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not halt at Glasgow. The fact that his purpose was to penetate still further into Kentucky, and that he had designs on Louisville, was only known when it was ascertained that he had left Glasgow, and through correspondence which was captured subsequent to that time. But supposing it had been reasonably certain that Bardstown was his destination, it was not to be assumed that he would go by the way of Munfordsville; on the contrary, it is undoubtedly true that, but for the bait which was offered to him in the garrison at that place, he would not have gone there at all; for the simple reason that, without any object whatever, it would have taken ten or twelve miles off the direct and excellent turnpike from Glasgow to Bardstown and thrown him on another road not so good, and twelve miles longer. This brings me naturally to the question of the relief of Munfordsville.

The foregoing explanations show that I could not have reached Munfordsville in advance of the rebel force, even if it had been desirable to leave it between me and Nashville. The first information received at Bowling Green that Munfordsville was attacked or threatened was on the 14th, and the report was that it had been captured, though that was not certain. On the same day the last of five of my divisions arrived at Bowling Green; and on the same day, as was afterward ascertained, the main body of the rebel army marched from Glasgow, eighteen miles from Munfordsville, with the advantage of two roads. If I had moved forward at once I could not have reached Munfordsville in less than four days, for, considering that I must march on one road, it would, for the rear of my column, have been equivalent in time to a march of sixty miles; and in the presence of an enemy whose position was not known, the march could not well have been made more rapidly. As for re-enforcing the garrison by the first of my divisions which arrived at Bowling Green, even if the necessity of it could have been known, it would have been out of the question; for those divisions would have been thrown into the midst of the whole rebel force—a folly which, it appears, the enemy actually anticipated and prepared to reap the fruit of.

But I propose to inquire also what necessity there was for such relief, and on what grounds it could reasonably have been expected that I would furnish it. It is apparent from a study of the map, and the evidence shows, that the possession of Munfordsville was not essential to Bragg's army in a strategical point of view. At least two other preferable routes were open to him, whether his object was to attack Louisville directly, or to advance into Central Kentucky for other purposes: First, the shorter and better road from Glasgow to Bardstown, and thence on to Louisville; second, the old Lexington road to Lebanon; third, the road through Columbia, Liberty, and Danville. He would not in any event take the road to the mouth of Salt River, because it threw him more away from the base of supplies which Kirby Smith's presence had established in Central Kentucky; because it made his junction with Kirby Smith more difficult and uncertain; and because it placed him in the angle between the Ohio and Salt Rivers, neither of which could be crossed without ferrying or bridging. The same facts made the possession of Munfordsville a matter of no strategical value to us. Its importance, therefore, was determined by the value of the bridge, which alone it was intended to protect as a link in the chain of communication between the troops further south and Louisville, their base of supplies. The bridge, if destroyed, could be rebuilt in a week—was actually rebuilt in about ten days; and as the principal part of the force which drew supplies across the bridge was coming north, its preservation was not of immediate importance. I have been disposed to

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say, therefore, that the determination to hold the bridge was an error of judgment; but I will not now assert that it was so, seeing that doubt existed as to the probability of Bragg's coming that way, and that the commander considered himself able to hold his position against the force which at first threatened him. If it was evident that Bragg would come against the place with his whole or any considerable part of his army, then it is certain that to attempt to hold it was an error, for no position could be less tenable for a small force against a very large one. It must be apparent that the possession of Munfordsville was of no importance that would justify the jeopardizing any considerable force to hold it, and the evidence shows that for two days and a half after the first attack the way was open for the withdrawal of the garrison. Its relief from the direction of Bowling Green was, therefore, unnecessary if it had been possible. Let us see now how far the place was considered to be in jeopardy, and on what ground it was reasonable to expect relief from Bowling Green.

It appears that on Saturday, the 13th, the commanding officer learned that a force, represented to be seven thousand strong, was advancing upon his post from the direction of Glasgow; that he reported the fact to his superiors at Louisville, saying, "If I had one more good regiment and a few more pieces of artillery, that force could not take me. As it is, I shall do my best to prevent it. Can you send me re-enforcements to-night? I shall send train to Salt River for them." To which he received in reply, "I send you what you ask." The same day he also reports, "Some indications that the main rebel force are going toward Lebanon," and that his intrenchments would be finished that night. These reports were certainly not alarming, and did not indicate that he expected or required assistance from Bowling Green, however desirous he might be to see a force coming from that quarter. On the same day he sent scouts to Bowling Green with verbal messages. These scouts could not have carried word that he was in jeopardy and required help from there, for his superiors had given him all he thought necessary at that time, and as yet no force had appeared in front of him. I now remember that the scout Miller came to me, but so little was there in his communications to me different from the information I derived from unauthorized persons, that I had forgotten, nor do I now remember, that he came as a messenger. He knew less about the enemy, and scarcely if any more about the garrison than others, especially one who came from the vicinity of the fort the morning of the attack and reported, quite confidentially, that the garrison had surrendered. Those persons reported first to the commanding officer at Bowling Green, and he had no better recollection of the special object and importance of their mission than myself. Nor could it at any rate have altered the case. I must of necessity have operated against the rebel army, which was already virtually between me and Munfordsville. There was no communication between me and the commander in Kentucky, and knowing that the rebel army was between me and Munfordsville, he had no reasonable assurance that I could succor that place. It was not under my command, I really knew nothing of its condition, and I could not suppose that it would be needlessly exposed to so large a force.

All the information I had led to the supposition that Bragg's army was probably yet at Glasgow, and on Tuesday afternoon, the 16th, I marched with six divisions, (one being still in the rear,) in three columns, to attack the enemy if he should be at that place. The facts shown in evidence that the last of those six divisions had only arrived, after a march of fifteen miles, the day before, with very rapid and

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fatiguing ones on previous days; that some time was necessarily required to make arrangements with reference to the garrison and trains that were to remain; that supplies had to be distributed, and that the supply of provisions was imperfect, making it necessary to collect breadstuffs from the country to supply the troops, will amply justify this short delay. The troops in three columns had to start upon the main turnpike road from Bowling Green to Munfordsville, but successively turned upon roads which converge on Glasgow. The cavalry thrown in advance reported on Tuesday night that the enemy had left Glasgow, and the following day my army marched to Cave City and Horsewell, within ten miles of Munfordsville. During that day I heard of the surrender of Munfordsville, and on the night of that day the commanding officer of the post reported to me at Preuitt's Knobb, with his troops on parole.

The position at Munfordsville is one of great natural strength for a large force. I understand that it was the subject of dissatisfaction that the rebel army was not attacked in that position; but I have never heard that the feeling was concurred in by the officers of higher rank, several of whom, distinguished before and since for gallant conduct, have testified that such an attack would not have been judicious under the circumstances. The advantage of position in favor of the enemy must have made the result at least doubtful, and even a very serious check, in the exhausted condition of our supplies, would have been disastrous. I could have avoided the enemy by passing to either side of him, but I deemed it all-important to force him further into the State, instead of allowing him to fall back upon Bowling Green and Nashville; and I matured a plan and determined to attack there rather than allow him that course. I believed that the condition of his supplies would compel him to abandon his position; and I was very well satisfied when that proved to be the case. He commenced to withdraw on the night of the 20th, and my advance drove out his rear-guard, after some skirmishing, on the 21st. The march was continued, and skirmishing was kept up with his rear-guard until he turned off toward Bardstown.

Many considerations rendered it proper to direct my march on Louisville, instead of following his route. The want of supplies made it necessary, many of the troops being out by the time they reached the mouth of Salt River. This reason would have been insuperable if, as was not improbable, the enemy should concentrate his force and throw himself rapidly between me and Louisville. The junction of Bragg and Kirby Smith was not only possible but probable. It would have made their combined force greatly superior to me in strength, and such a disposition would have placed him between two inferior forces, which, from their positions, could not have acted in concert against him, and which, therefore, were liable to be beaten in detail. One of these forces, that occupying Louisville, was composed of perfectly raw, undisciplined, and in a measure unarmed troops, with but very little artillery, and very few officers of rank or experience. It could not have withstood the veteran rebel army two hours, and the consequence of its defeat and the capture of Louisville would have been disastrous in the extreme. That force, however, mixed judiciously with my old troops, could be made to render good service, as the result proved.

These considerations determined me to concentrate rapidly at Louisville. The last division reached that point on the 29th of September. On the same day the incorporation of the new troops with the old, and other preparations which a long and fatiguing march of the old troops and the inefficiency of the new rendered necessary, were completed, and on the morning of the 30th the consolidated army was prepared to

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march against the rebel forces which occupied the principal part of Kentucky. The campaign which ensued, and which resulted in the expulsion of the enemy from the State, has been sketched in my official report of the 4th November, herewith appended. As far as the facts are concerned, the investigations of this commission have shown, perhaps, that I did not make allowance enough for the diminution of my force by absentees, and stragglers from the new regiments; and that, therefore, I probably overestimated my own strength at and after the battle of Perryville, if I did not also underestimate the combined strength of the enemy. These investigations also give reason to believe that the aggregate loss of the enemy during the campaign was greater than I represented, and they have developed additional interesting incidents; but they point to no statement which I could now desire to alter. I shall limit myself, therefore, to the elucidation of certain particulars in which the wisdom of my acts would seem to have been called into question by the course of the investigation.

The battle of Perryville, although but a partial, and by no means as fruitful a contest as I had expected, was not without important and gratifying results. I shall notice very briefly the causes which prevented it being more so.

When, on the 5th of October, Bragg's army proper retired from Bardstown, it was uncertain where it would unite with the force of Kirby Smith, though Danville was the point where I most expected to find them, and my corps were accordingly directed on Perryville and Harrodsburgh. When, on the night of the 6th, I ascertained that Kirby Smith had crossed the Kentucky River at Salvisa, Harrodsburgh or Perryville became the most probable point of concentration, and the destination of the corps which was marching on Harrodsburgh had to be changed to Perryville. Information during the 7th, that the enemy were turning toward Harrodsburgh, inclined me to suppose, though not confidently, that Harrodsburgh, and not Perryville, would be the point. In the movement on that place, the center corps, with which I was, marched by a shorter and better road, and therefore arrived within about three miles of Perryville on the evening of the 7th, while the other corps were expected to be still about seven miles in rear, on their respective roads to the right and left.

Finding a sufficient force at Perryville on the evening of the 7th to stop our progress without a general engagement of the corps, it was presumed that the enemy had determined to make his stand there; and the following instructions were sent to General McCook:

"OCTOBER 7—8 p. m.

"GENERAL: The Third Corps (Gilbert's) is within three and a half miles of Perryville, the cavalry being nearer—probably within two and a half miles. From all the information gained to day, it seems probable that the enemy will resist our advance into the town. They are said to have a strong force in and near the place. There is no water here, and we will get but little, if any, until we get it at Perryville. We expect to attack and carry the place to-morrow. *March at 3 o'clock precisely to-morrow morning*, without fail, and move up till the head of your column gets to within about three or three and a half miles of Perryville; that is to say, until you are abreast of the Third Corps. The left of this corps rests near Bottom's place. Perhaps Captain Williams, Jackson's cavalry, will know where it is. From the point of the road Gilbert is now on across direct to your road is about two and a half or three miles. When the head of your column gets to the vicinity designated, (three or

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three and a half miles from town,) halt and form it in order of battle, and let the rear close well up; then let the men rest in position and be made as comfortable as possible, but do not permit them to scatter. Have the country on your front examined, a reconnaissance made, and collect all information possible in regard to the enemy, and the country and roads in your vicinity, and then *report in person*, as quickly as practicable, to these headquarters. If your men have an opportunity to get water of any kind, they must fill their canteens, and the officers must caution them particularly to use it in the most sparing manner. Send to the rear every wagon and animal which is not required with your column. All the usual precautions must be taken, and preparations made for action. Keep all teams back except ammunition and ambulances. Nothing has been heard from you to-day. Send orderlies by bearer to learn the locality of these headquarters. The general desires to see Captain Williams, Jackson's cavalry, by seven o'clock in the morning, at these headquarters.

"Respectfully, &c.,

"JAMES B. FRY,
"*Colonel and Chief of Staff.*"

Similar instructions, but suited to the locality on which he was to form for the attack, were given to General Thomas, who, as second in command, was with the right corps.

It was expected that these instructions would get these two corps into position for the attack by 7 or 8 o'clock in the morning, whereas, in consequence of delays which were more or less unavoidable, the heads of the columns did not come up until between 10 and 11 o'clock, and the rear division of the right corps did not get into position until about 4 o'clock. This rendered it improbable that the attack could be made until next morning, and was one of the causes which marred the success I confidently expected. Afterward the lateness of the hour at which I received intelligence of the condition of affairs on the left rendered it impossible to reap the fruit that would otherwise still have remained.

It has been a matter of surprise that so severe an engagement could have taken place within two miles and a half of my headquarters without my knowledge. The commander of an army covering a line six or seven miles long, interspersed with woods and hills, must of necessity depend on the reports of his generals for information of what is transpiring on different parts of the field. After the failure to get into position as soon as I had expected, I no longer anticipated a battle that day; but a good deal of artillery firing had been going on between the advanced guards of the armies since our arrival the evening before, excepting at night. The cause of this was well understood, and the greater or less rapidity of the firing at intervals was not a matter to attract particular attention, especially as it was to be expected that information of anything of serious import would be promptly conveyed to me. For that reason I received with astonishment the intelligence of the severe fighting that commenced at 2 o'clock. Not a musket-shot had been heard, nor did the sound of artillery indicate anything like a battle. This was probably caused by the configuration of the ground, which broke the sound, and by the heavy wind which, it appears, blew from the right to the left during the day, though the latter I had not thought of until it was established in evidence before the commission. Be that as it may, many witnesses, without exception, have testified to the absence of all reason to suppose at my headquarters that a battle

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was raging, and the testimony of hundreds more could have been adduced to the same effect.

It has been asked why, after the battle of Perryville, I did not immediately follow the enemy to Harrodsburgh, without waiting for Sill's division to come up. That the entire rebel army could have been brought to battle there I have no doubt. The forces were nearly equal on both sides; on one side nearly all veteran troops under perfect discipline; on the other a portion—the "Old Army of the Ohio"—equally good, but more than one-third of the whole raw and undisciplined. The enemy would have had the advantage of the strong position which he selected. The result of a conflict under such circumstances is not to be predicted. I am not willing to admit that I might have failed, and yet no man can assert that the result ought certainly to have been otherwise under the circumstances. It was sufficient for me that I could make it reasonably certain by waiting for my troops to come up.

My studies have taught me that battles are only to be fought for some important object; that success must be rendered reasonably certain if possible, the more certain the better; that if the result is reasonably uncertain, battle is only to be sought when very serious disadvantage must result from a failure to fight, or when the advantages of a possible victory far outweigh the consequences of probable defeat. These rules suppose that war has a higher object than that of mere bloodshed; and military history points for study and commendation to campaigns which have been conducted over a large field of operations with important results and without a single general engagement. In my judgment the commander merits condemnation who, from ambition or ignorance, or a weak submission to the dictation of popular clamor, and without necessity or profit, has squandered the lives of his soldiers. In this connection it is proper to review the circumstances which should have weight upon the question of hastening a battle at the particular juncture referred to.

There is not, I venture to say, a particle of evidence upon the records of this commission which does not lead to the conclusion that the object and intention of the rebel government, in the invasion of Kentucky last summer, was to hold possession of the State by force of arms and secure it to the cause of the rebellion. The circumstances of the invasion and the formidable force employed in it; the advance of the smaller force, under Kirby Smith, which established depots and collected supplies, that made comparatively easy and safe the subsequent advance of the main force, under General Bragg, to a point so remote from its original base; the further re-enforcement of this large force by the column under Breckinridge, at the very time when, if a temporary raid had been the object, the main force should have been rapidly withdrawing, instead of re-enforcing; the deliberation and permanency with which the invading army maintained its position in the face of the force which was preparing to drive it out; the inauguration of a provisional State government under the authority of the confederate government; the enforcement of the conscription and other confederate laws; the avowal of the confederate authorities; the plan of campaign sketched in the letter of General Beauregard to his government; the convictions of the people of Kentucky, from what they saw and the assurance of the rebel authorities; the constant and confident declarations of all persons connected with the invading force; the disappointment and disapprobation which the whole southern press expressed at the result—all go to show that the object of the invasion was permanent occupation. That object

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could only be secured by giving battle to and destroying or driving from the field the army which was opposed to it.

Such a plan and determination was also clearly indicated by the movements of the enemy after the commencement of my march from Louisville. If his object had been to retreat without a struggle as soon as I moved against him, the force of Kirby Smith, which was then at various points north of the Kentucky River, would at once have moved by the roads concentrating at Richmond, and thence on to Cumberland Gap. It was for that force the shortest and best road, and a better route for supplies than the one it pursued. The main force, under Bragg, would have moved on one or more of the roads which converge upon Glasgow, through New Haven, Lebanon, and other points. This line would have given him the advantage of marching by several of the best roads in the State, converging at convenient distances. It would have taken him through a region of country where supplies were comparatively abundant; it would have enabled him to concentrate his army at Bowling Green, and perhaps capture that place, before he could be overtaken; or, if not, to move upon Murfreesborough, where he would have railroad communication with Chattanooga, and good lines of retreat to the other side of the Tennessee River, if necessary; or the opportunity of capturing Nashville, if he should deem that feasible. Or, if he desired to retreat through Cumberland Gap, he would go on through Danville and Stanford. Instead, however, of starting upon these natural lines of retreat toward Tennessee, Kirby Smith moved west, entirely off his line of retreat, and crossed the Kentucky River near Salvisa; and Bragg, after turning the angle at Perryville, moved northward, the very opposite of his direction of retreat. That the original object of this movement was to concentrate the whole rebel force at Harrodsburgh, instead of Camp Dick Robinson, is evident from the fact that, if the latter had been the object, Kirby Smith would have moved directly to that point, over the Hickman bridge, instead of fording the river lower down, to go out of his way, and Bragg would have marched through Danville to the same point. Thus the circumstances of the invasion indicated that there would be a formidable struggle for the possession of the State, and the movements of the rebel forces to meet the operations that were in progress against them pointed to a great battle at or near Harrodsburgh.

The battle of Perryville, by every reasonable explanation, increased, instead of weakening, the probability of a great battle at Harrodsburgh. It has been asserted that General Bragg fought the battle of Perryville with portions of three divisions—only about 15,000 men. It is certain that he fought it with only a part of his whole force. His motive, therefore, may be supposed to have been either to check my advance, to give time to take up a position with his main force beyond, or else because he hoped to gain some advantage by striking the head of my column, supposing I was moving on only one road, before I could get a superior force up to oppose him. In either case he could not have expected to accomplish much more than he did in this partial engagement. He was repulsed, it is true, but not until night protected him from very serious consequences; and there was nothing in the result that should have decided the fate of so important a campaign. His loss was probably much less than mine, from the fact that the attack was made when my troops were in column, and, to that extent, unprepared.

That General Bragg moved to Camp Dick Robinson, instead of awaiting an attack by my whole force at Harrodsburgh, is no evidence that he would not have been willing to give battle to the part of it which I

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had at Perryville. With an equal force he could safely risk a battle in the strong position he could have taken, and in fact did select, when the result would by no means be as certain there, against a superior force, as it would be in the still stronger position of Camp Dick Robinson, which had the further advantage of being a depot for his supplies. For these reasons, and on account of its inaccessibility and superior strength, neither did his withdrawal to Camp Dick Robinson indicate an intention to abandon the object of his campaign and retreat precipitately from the State. These reasons justified the conclusion that the rebel army was to be encountered in battle, notwithstanding critics, after the fact, may answer that the result contradicts the conclusion; and they justify every reasonable precaution to have made the success of such a struggle certain. They afford an interpretation to the movements of the army under my command subsequently to the battle of Perryville.

Pending the arrival of General Sill's division, the left corps, General McCook's, laid near Dicksville, from which a road extends to Harrodsburgh; the center, General Gilbert's, was abreast of the left on the direct road from Perryville to Harrodsburgh; and the right, General Crittenden's, was on Salt River, about four miles from Danville. Cavalry was in front on the Harrodsburgh and Danville roads. A good deal of the ammunition of McCook's corps and some in the center corps had been expended in the battle of the 8th, and so much of the means of transportation had been required for provisions that wagons could not be spared for a sufficient supply of reserve ammunition on starting from Louisville. This was hurried forward, and other matters attended to in the condition of the army which had resulted from the battle. These of themselves would not have delayed my movements, though they were important.

General Sill's division arrived on the evening of the 11th, and the army was ordered to move on the 12th. Strong cavalry reconnaissances had been kept out every day, but on the evening of the 10th I ordered out three brigades of infantry with cavalry to move on the 11th to discover more of the position or movements of the enemy. One moved beyond Danville toward Camp Dick Robinson; one on the Danville and Harrodsburgh road toward the latter point; and the third toward the same point on the Perryville and Harrodsburgh road. About daylight an officer just in from Harrodsburgh came to my tent and reported to me with great earnestness that the enemy was moving against us in force from Harrodsburgh, distant about eight miles. The troops were put in position to be prepared, if the report should prove true, and in the mean time the several reconnaissances proceeded as ordered. The one on the left discovered and reported the enemy apparently in force about two miles south of Harrodsburgh early in the morning; but he withdrew during the day, and the two reconnaissances which were ordered toward Harrodsburgh entered that place in the evening, capturing some property and a large number of sick, wounded, and some other prisoners.

It was probable that the enemy had retired to Camp Dick Robinson, but it was reported that some at least had gone in the direction of the Kentucky River, and it was necessary to ascertain the fact. It would require a day to do that by reconnaissance. If the reconnaissance was supported in force, we should be prepared to take advantage of the contingency of the enemy still being this side of Dick's River; and, in any event, no time would be lost in the movement to turn the position at Camp Dick Robinson, if it should be found that the enemy had actually retired to that place. On the 12th, therefore, the whole army

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swung around on Danville as a pivot—the right and center on the Danville and Harrodsburgh road, and the left near Harrodsburgh on the Perryville and Harrodsburgh road, while a reconnaissance was pushed forward to gain the desired information. It ascertained that the enemy had crossed Dick's River.

If it should be said that these dispositions proved to have been unnecessary by the withdrawal of the enemy, it may be answered that such may be the case with nine out of ten of the dispositions that are made in every campaign; that battles occur only occasionally in the movements of opposing armies; but that preparation for battle may be necessary every day. Without such preparation battles may be multiplied: and so in most cases are defeats to the careless.

The enemy's position in rear of Dick's River being, from the character of that stream, impregnable in front, I moved on the 13th to turn it by the south. On the night of that day I heard that the enemy was retreating from Camp Dick Robinson toward the south, and I immediately ordered pursuit. The leading division marched at twelve o'clock that night, and the others following in rapid succession. Crittenden's and McCook's corps, the former leading, took the road to Stanford and Crab Orchard, while Gilbert's took the road to Lancaster and Crab Orchard. On both roads the enemy's rear guards were overtaken the next day, and were pressed continually as far as London. No general battle occurred between the two armies, though the enemy was foiled in his object and driven from the State. Anticipating a movement of the rebel army into Middle Tennessee, the Army of the Ohio moved promptly in that direction, and on the 31st of October had, under my orders, advanced as far as Bowling Green and Glasgow. It was my intention to have reached Murfreesborough by the 10th of November. On the 30th of October I turned over the command to Major General Rosecrans, in obedience to orders from the General-in-Chief.

A careful study of the topography of central Kentucky shows it to be a region possessing remarkable strategical features for defensive operations, especially for a force whose line of retreat is toward the State of Tennessee. The Kentucky River, running across the State from east to west, with its cliffy banks, makes a strong line of defense; while its somewhat frequent fords, opposing but slight obstacles to the movement of an army when the river is low, yet easily defended from the opposite bank, make it an admirable line for a retreating army to take shelter behind, and a perfect curtain to cover ulterior movements. Its advantages in this respect are very greatly increased by the character and position of Dick's River, which, coming from the south, empties into the Kentucky River where the latter makes a strong bend to the north. Dick's River has the same characteristics of cliffy banks, and its fords crossings make it a much stronger line of defense than the Kentucky River.

Together these streams make the position of Camp Dick Robinson the fork almost impregnable for a large army, except from the southeast. In that case the defensive army, with its right flank protected by Dick's River and its left by the broken ground to the east, may fall back easily and securely to the north side of the Kentucky, and by a short march either to the east or the west recross to the south side, and fall upon good lines of retreat; and these movements can only be counteracted by considerable detours, or by previous detachments, which would weaken the opposing army so much as to endanger the main attack, unless the army is very greately superior in strength. On the north side of the Kentucky River the country is traversable by good roads between the

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Lexington and Richmond road, and any of the roads crossing the river lower down; but on the south side the country bordering the river between the mouth of Dick's River and the Lexington and Richmond road is destitute of practicable roads parallel with the river. Besides the advantages already alluded to, the whole of that region of country abounds in strong positions commanding the only water for an army within several miles; so that the attacking force is forced to fight under all the disadvantage of exhaustion for the want of it, as was the case at Perryville.

These details make it easy to answer the theories that have been advanced for the annihilation or capture of the entire rebel army under General Bragg. One of those theories assumes that that army might have been destroyed in crossing Dick's River.

A defile, if it does not retard the march materially, is always a benefit to a retreating army; and the line of Dick's River is admirably adapted to such an object. It is only necessary for the retreating army to make demonstrations of battle with a strong rear guard, which will require corresponding preparations and delay on the part of the pursuer. In the mean time, it throws its artillery across rapidly to take positions to sweep the opposite bank, and under such protection the remainder of the retiring army crosses with safety.

Great stress has been laid on the importance of Danville to cut off the retreat of the rebel army from Perryville. My right rested after the battle within four or five miles of Danville, and my cavalry watched and went beyond that place. Danville controlled no line of retreat for the enemy, except through that point and thence on toward Somerset or Columbia. That was as well covered by being four or five miles from Danville, with a perfectly open and unobstructed country between, as it would have been at Danville itself; and the enemy did not attempt to use it at all. Danville is eight miles at the nearest point from the road going from Camp Dick Robinson to Cumberland Gap, and the strong line of Dick's River between prevents Danville from having any command of that road.

The first point at which the enemy's retreat on the Cumberland Gap road could be intercepted is Lancaster, ten miles from Danville. If the Army of the Ohio moved to Lancaster in force, in advance of the rebel army, it threw its communications into the hands of the enemy; if, before being assured that the enemy had crossed Dick's River, it divided its force over the twenty miles from Perryville to Lancaster to protect its communications and intercept the retreat of the enemy through Lancaster, it rendered itself liable to be beaten in detail; and if, after being assured that the enemy had crossed Dick's River, it left small detachments sufficient to guard the passes over that river, and then moved with the main body on Lancaster, there is no reason why the enemy should not have been able to hold it in check on the line of Dick's River long enough to secure his line through Lancaster if he was determined to retreat.

An army on ordinary marches, continued for many days, will average about two miles an hour; but in a forced march for twenty, and at least for ten miles, it can average three miles an hour. If the rebel army had sixty thousand men, with artillery, and fifteen hundred wagons for baggage, supplies, &c., it would, in marching, occupy thirty-nine miles along the road in one column, or nineteen and a half miles each in two columns. It would therefore require six hours and a half to clear its camp on two roads; the whole of it will have arrived at or passed a point twenty miles distant in fourteen hours, or a point ten miles distant in ten hours. Thus

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the rebel army, moving from Camp Dick Robinson in two columns, would clear its camp in six hours and a half, and arrive at Lancaster, ten miles distant, in ten hours; or, if it continued on without stopping, would arrive at Crab Orchard, twenty miles distant, in fourteen hours.

It appears that the retreating army actually marched in three columns from its camp at Dick Robinson, the country along its route being open and practicable. From Lancaster it took two roads, the one to the left going by the way of Lowell, and coming into the Cumberland Gap road at Big Hill, and the other going through Crab Orchard, Mount Vernon, and London. The latter is intersected at Crab Orchard, twenty miles from Danville, by the road from Danville through Stanford. The reasons which would render it injudicious to expose my communications and leave open a better line of retreat to the enemy, by anticipating his possible retreat through Lancaster, apply with greater force to Crab Orchard. If the rebel army would retreat without accepting battle, the topography of the country made it entirely possible for it to do so. Being once established on its line of retreat beyond any point where it could by any possibility be intercepted, the rebel army made good its retreat, as other armies have done in this and other wars, under less favorable circumstances.

There are few circumstances under which a disciplined and well-managed army can be forced to a general battle against its will; though the occasions are multiplied, if the opposing army has a greatly superior force of good cavalry, or is so greatly superior in strength that it can divide its force with reasonable prospects of success to each fraction. A disciplined army, moving on its line of communication, can always retreat more rapidly than it can be pursued. It meets or overtakes its supplies on the road, or finds them at temporary depots previously established, or it collects them from the country as much as possible on its line of march. The pursuing army, on the other hand, finds the country stripped; it has nothing in advance to rely on; it must carry everything along, with the hinderance of enormous trains; and the difficulties are increased with every day's march. The retreating army prepares a front of resistance more rapidly than the pursuer can prepare a front for attack. The strong positions are reconnoitered in advance, on which the requisite force forms as rapidly as on a drill-ground; while the pursuer, ignorant of the ground and of the force that awaits him, must inform himself of both in order to develop a corresponding force, or else find the head of his column beaten back. In the mean time the main body of the retiring army has gained some hours march; the rear-guard watches the enemy's preparation, awaits his attack, and repulses it, if it is made injudiciously or with insufficient force; or else, at dark, resumes its march to repeat the same operation whenever it is necessary and the occasion is favorable. A single tree felled judiciously across the road will delay the pursuer perhaps fifteen minutes; four of them at intervals will delay him an hour; and thus the distance between him and his adversary is increased.

These advantages to defensive operations do not exist in the same degree in all descriptions of country. They are particularly marked in a broken and wooded country, where the movements and position and strength of an enemy are only to be ascertained by feeling him, and especially where there are no parallel roads by which the retreating army can be attacked in flank. The advantages alluded to make it wise frequently, for a commander to fall back to a chosen ground when his adversary advances; and the battle of Perryville affords an illustration of this principle. The rebel army was moving for concentration at some

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point which could not be known to its adversary. A portion of it took advantage of the strong position at Perryville, commanding the only water within a distance of several miles, over which the Army of the Ohio must march to attack. That position afforded also the advantage of several lines of retreat. With these combined advantages, when it was discovered that a part of the rebel army was making a stand, it was as reasonable to expect to find its combined force there as at any other point, and dispositions had to be made accordingly. I believe that a sound and unprejudiced criticism will show that the movement of the Army of the Ohio was executed promptly and judiciously; that it arrived more simultaneously and in better order than the enemy could have expected, considering that the point which he would choose for battle could not be foreseen; and that but for the lack of timely information of the condition of things on the afternoon of the 8th, the main portion of the enemy's force at Perryville would have been captured.

Contests between unequal forces result sometimes, but very rarely, from the fact that the inferior has no alternative but to fight or surrender. In by far the greatest number of cases, however, the conflict results from a lack of ability on the part of the inferior to avail himself of the means of extricating his army; or from a contempt for, or ignorance of, the strength of his adversary; or from an advantage of position which, in his opinion, will outweigh that of superiority of numbers, and a corresponding ignorance of that advantage, or faulty dispositions on the part of the superior army; and these last are the cases in which most frequently the inferior army is victorious. When the armies are about equal, they maneuver so as to deceive and cause each other to make detachments, or force each other to battle on ground unfavorable to the adversary. In all these cases the object is not merely to give battle for the sake of fighting, but to fight for victory, or at least safety, and with such advantages as will make success reasonably certain; and the more serious the consequences of defeat, the greater the caution to be observed. Ignorance and error multiply battles far more than valor, and generally with the penalty of disaster. If precaution and the observance of rule diminish the number of battles, and sometimes miss the accidental success which folly and recklessness might have gained, it is nevertheless true that in the end they usually triumph.

The operations of the column under the command of General G. W. Morgan at Comberland Gap have been brought before the commission. The deposition of Colonel De Courcey, an officer under General Morgan's command, introduced as evidence for the Government, alleges that after General Morgan commenced his advance upon Cumberland Gap in May last, he was suddenly arrested by a telegraphic dispatch from me, ordering a retrograde movement, and stopping all further proceedings on the Tennessee side against the gap.

General Morgan commenced his advance against Cumberland Gap, in pursuance of the orders which I gave him in March preceding, about the 22d of May. He had repeatedly represented that he was operating against a superior force of the enemy, and on the 8th of June he telegraphed that the enemy had "over five thousand at Cumberland Gap, eight thousand at Big Creek Gap, with troops at Clinton and Knoxville. Should their force concentrate the enemy will outnumber us nearly three to one. What is General Negley doing?" Seeing no reason why I should expect him to advance by difficult mountain roads and defeat three to one of the enemy, and supposing that he may have regarded my orders for him to advance as more imperative than I meant them to be, without regard to the force opposed to him, I telegraphed him on the 9th as fol-

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lows: "General Negley is fully employed in Tennessee, and can give you no direct assistance. The force now in Tennessee is so small that no operations against East Tennessee can be attempted. You must, therefore, depend mainly on your own resources." And on the 10th I telegraphed him as follows: "Considering your force and that opposed to you, it will probably not be safe for you to undertake any extended operations. Other operations will soon have an influence on your designs, and it is, therefore, better for you to run no risk at present."

These are the dispatches which caused the retrograde movement referred to. I leave them to speak for themselves, in connection with the dispatches which elicited them.

But, furthermore, on the same day, the 10th, I received a dispatch from General Morgan, giving a rumor that the Gap was evacuated, to which I replied the same day: "If Cumberland Gap is evacuated, you should seize and hold it, and take any other advantage that may present itself, but not advance to a point from which you would have to fall back."

About this time General Mitchell, considering himself in danger from an anticipated advance upon him, was urging the necessity of a stronger force in Middle Tennessee, and I was about commencing my march from Corinth in that direction.

Cumberland Gap was occupied on the 18th of June. General Morgan had about seven thousand five hundred men. His dispatches report the strength of the enemy opposed to him at not less than ten or twelve thousand, and I have no reason to doubt that he reported correctly. At no time did he represent that he was able to hold East Tennessee with the force he had, or the wish to attempt it, nor do I believe that he could have done it. It is true that on the 20th he telegraphed: "My telegraph orders from Major General Buell of the 10th instant do not permit me to advance upon Knoxville, and I will not, until further instructions, advance further than Tazewell;" and he also stated the preparations he had made to destroy bridges, but had countermanded in consequence of that dispatch. He was answered on the 22d, four days after his arrival at the Gap, as follows:

"It is impossible at present to send you any cavalry. The general has not intended his orders to prevent such expeditions for special purposes as you refer to in your dispatch of the 20th; on the contrary, he approves them. His wish is for you to make yourself secure in the Gap and accomplish all the results you can by rapid expeditions; but not to attempt a deliberate advance on Knoxville, as long as it seems probable that you would not be able to maintain your position there. The general wishes to make no actual advance which he cannot maintain. It brings our friends among the people into trouble, and is injurious otherwise to our interests.

"JAMES B. FRY,
"*Chief of Staff.*"

I have no doubt that General Morgan acted wisely, and that he had not force enough to attack the enemy in force. He certainly was not restrained from doing anything that duty and honor demanded.

The policy which I observed toward the people of the territory occupied by my army has been vehemently and bitterly assailed by a portion of the press; but I believe that reason and justice will sustain it on every score, whether of expediency or humanity. In entering on my command it was with an earnest willingness to devote my life to the object of restoring the Union, and I never doubted as to the course my duty re-

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quired me to pursue. It was to defeat the rebels in arms whenever I could, and to respect the Constitution and laws, and the rights of the people under them, as far as was possible, consistently with a state of things which rendered military success a matter of primary importance for the restoration of the authority of the Government. This has been my rule of action from first to last. I did not undertake to punish men for opinion's sake, or even for past acts, for Congress had prescribed the penalty for their offenses, and the mode of proceeding against them. Men in arms I treated as enemies; persons not in arms I treated as citizens of the United States; but I allowed no man to preach or act treason after the progress of my army had brought him again under the protection, as well as the authority, of the Government.

I have, when necessary, given protection to the persons and property of peaceable citizens; and this I have done both to preserve the discipline of my troops, and out of respect for the just rights of the people under the laws of war, if not under the civil law. When the public interest required the use of private property for public purposes I so used it, allowing just compensation for it as far as practicable; and this I did not only on the ground of justice, but as a measure of military expediency, for it enabled me to secure for my army necessaries which otherwise would have been concealed or destroyed.

The bearing of this question on the success of my military operations is something which I was bound to weigh well. It is recognized as one of great importance to the success of an invading army. Wars of invasion, always difficult, become tenfold so when the people of the invaded territory take an active part against the invading army. A system of plunder and outrage in such cases will produce the same effect of hatred and revenge that such treatment does under other circumstances among men; and the embarrassments resulting from them to the invading army become of the most serious nature.

These considerations are of such importance to success that there is no exception to the rule of securing the neutrality, if not the friendship, of the population as much as possible, by just and mild treatment; and then, having given no good cause for hostility, to treat with kindness those who behave well and with severity those who misbehave.

Some months ago a statement appeared in the newspapers, on the reported authority of Governor Andrew Johnson, that I had only been prevented by his resolute expostulations from abandoning Nashville when I moved North with my army in September last. He has since made the same assertion in a deposition. Whenever I have spoken on this subject I have denounced the statement as false, and I now repeat that denunciation. I am very willing to bear the responsibility of my own acts or intentions; and it gives me sincere pleasure at all times to acknowledge any assistance I may receive from others either in counsel or action. If I had determined to abandon Nashville it would have been upon my best judgment, and I should cheerfully have submitted to a verdict on the wisdom of my course. I assert that I never intimated to Governor Johnson an intention or wish to leave Nashville without a garrison; that there was no discussion between us *pro* and *con* on the subject, and that the determination to hold the place was my own, uninfluenced by him in any manner. I had not that confidence in his judgment, or that distrust of my own, which would have induced me to seek his counsel. On account of his official position I called on him first to inform him what I meant to do, and last to tell him what garrison I had concluded to leave. On both occasions, as far as my plans were concerned, I was the speaker and he the listener. My officers

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were far more likely to know my views than he; and they have stated that I said always that the political importance of the occupation far outweighed any purely military bearing of the question, and that I should hold the city.

D. C. BUELL,
Major General.

BURNET HOUSE, *May* 5, 1863.

REPORT OF THE BATTLE OF SHILOH.

HEADQUARTERS ARMY OF THE OHIO,
Field of Shiloh, April 15, 1862.

SIR: The rear division of the army under my command, which had been delayed a considerable time in rebuilding the Duck River bridge, left Columbia on the 2d instant. I left the evening of that day, and arrived at Savannah on the evening of the 5th. General Nelson, with his division, which formed the advance, arrived the same day. The other divisions marched with intervals of about six miles.

On the morning of the 6th the firing of cannon and musketry was heard in the direction of this place. Apprehending that a serious engagement had commenced, I went to General Grant's headquarters to get information as to the best means of reaching the battle-field with the division that had arrived. At the same time orders were dispatched to the divisions in rear to leave their trains and push forward by forced marches. I learned that General Grant had just started, leaving orders for General Nelson to march to the river opposite Pittsburgh Landing, to be ferried across. An examination of the road up the river discovered it to be impracticable for artillery, and General Nelson was directed to leave his to be carried forward by steamers.

The impression existed at Savannah that the firing was only an affair of outposts, the same thing having occurred for the two or three previous days; but, as it continued, I determined to go to the scene of action, and accordingly started with my chief of staff, Colonel Fry, on a steamer which I had ordered to get under steam. As we proceeded up the river groups of soldiers were seen upon the west bank, and it soon became evident that they were stragglers from the army that was engaged. The groups increased in size and frequency until, as we approached the landing, they amounted to whole companies, and almost regiments; and at the landing the banks swarmed with a confused mass of men of various regiments. The number could not have been less than four or five thousand, and later in the day it became much greater. Finding General Grant at the landing, I requested him to send steamers to Savannah to bring up General Crittenden's division, which had arrived during the morning, and then went ashore with him. The throng of disorganized and demoralized troops increased continually by fresh fugitives from the battle, which steadily drew nearer the landing, and with these were mingled great numbers of teams, all striving to get as near as possible to the river. With few exceptions, all efforts to form the troops and move them forward to the fight utterly failed.

In the mean time the enemy had made such progress against our troops that his artillery and musketry began to play into the vital spot of the position, and some persons were killed on the bank at the very landing. General Nelson arrived with Colonel Ammen's brigade at this

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opportune moment. It was immediately posted to meet the attack at that point, and with a battery of artillery which happened to be on the ground, and was brought into action, opened fire on the enemy and repulsed him. The action of the gun-boats also contributed very much to that result. The attack at that point was not renewed, night having come on, and the firing ceased on both sides. In the mean time the remainder of General Nelson's division crossed, and General Crittenden's arrived from Savannah by steamers. After examining the ground as well as was possible at night in front of the line on which General Grant's troops had formed, and as far to the right as General Sherman's division, I directed Nelson's and Crittenden's divisions to form in front of that line, and move forward as soon as it was light in the morning. During the night, and early the following morning, Captain Bartlett's Ohio battery, Captain Mendenhall's regular battery, and Captain Terrill's battery, Fifth Artillery, arrived. General McCook, by a forced march, arrived at Savannah during the night of the 6th, and reached the field of battle early on the morning of the 7th. I knew that the other divisions could not arrive in time for the action that day.

The patch of country on which the battles of the 6th and 7th were fought is called Shiloh, from the little church of that name which stands in its midst. It consists of an undulating table-land, elevated some eighty or one hundred feet above the river bottom. Along the Tennessee River to the east it breaks into abrupt ravines, and toward the south, along Lick Creek, which empties into the Tennessee River some three miles above Pittsburgh Landing, rises into a range of hills of some height, whose slopes are gradual toward the battle-field and somewhat abrupt toward Lick Creek. Owl Creek, rising near the source of Lick Creek, flows to the northwest around the battle-field into Snake Creek, which empties into the Tennessee River three miles below Lick Creek. The drainage is mainly from the Lick Creek ridge and the table-land into Owl Creek. Coming from Corinth, the principal road crosses Lick Creek at two points some twelve miles from its mouth, and separates into three or four principal branches which enter the table-land from the south, at the distance of about a mile apart. Generally the face of the country is covered with woods through which troops can pass without great difficulty, though occasionally the undergrowth is dense. Small farms or cultivated fields of from twenty to eighty acres occur now and then, but as a general thing the country is in forest. My entire ignorance of the various roads and of the character of the country at the time rendered it impossible to anticipate the probable dispositions of the enemy, and the woods were always sufficient to screen his preparatory movements from observation.

Soon after 5 o'clock on the morning of the 7th, General Nelson's and General Crittenden's divisions, the only ones yet arrived on the ground, moved promptly forward to meet the enemy. Nelson's division, marching in line of battle, soon came upon his pickets, drove them in, and at about 6 o'clock received the fire of his artillery. The division was here halted, and Mendenhall's battery brought into action to reply, while Crittenden's division was being put into position on the right of Nelson's. Bartlett's battery was posted in the center of Crittenden's division, in a commanding position, opposite which the enemy was discovered to be formed in force. By this time McCook's division arrived on the ground, and was immediately formed on the right of Crittenden's; skirmishers were thrown to the front, and a strong body of them to guard our left flank, which, though somewhat protected by rough ground, it was supposed the enemy might attempt to turn, and in fact did, but was hand-

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somely repulsed, with great loss. Each brigade furnished its own reserve, and in addition Boyle's brigade, from Crittenden's division, though it formed at first in the line, was kept somewhat back when the line advanced, to be used as occasion might require. I found on the ground parts of about two regiments, perhaps one thousand men, and subsequently a similar fragment came up of General Grant's force. The first I directed to act with General McCook's attack, and the second was similarly employed on the left. I saw other straggling troops of General Grant's force immediately on General McCook's right, and some firing had already commenced there. I have no direct knowledge of the disposition of the remainder of General Grant's force, nor is it my province to speak of them. Those that came under my direction in the way I have stated rendered willing and efficient service during the day.

The force under my command occupied a line of about a mile and a half. In front of Nelson's division was an open field, partially screened toward his right by a skirt of woods, which extended through to the enemy's line, with a thick undergrowth in front of the left brigade of Crittenden's division; then an open field in front of Crittenden's right and McCook's left; and in front of McCook's right woods again, with a dense undergrowth. The ground, nearly level in front of Nelson, formed a hollow in front of Crittenden, and fell into a small creek or ravine which empties into Owl Creek, in front of McCook. What I afterward learned was the Hamburgh road, which crosses Lick Creek a mile from its mouth, passed perpendicularly through the line of battle, near Nelson's left. On a line slightly oblique to us, and beyond the open fields, the enemy was formed, with a battery in front of Nelson's left; a battery commanding the woods in front of Crittenden's left, and flanking the field in front of Nelson; a battery commanding the same woods and the field in front of Crittenden's right and McCook's left, and a battery in front of McCook's right. A short distance in rear of the enemy's left were the encampments of McClernand's and Sherman's divisions, which the enemy held.

While my troops were getting into position the fire was kept up between Mendenhall's battery and the enemy's second battery with some effect. Bartlett's battery was hardly in position before the enemy's third battery opened fire on that part of the line; and when, very soon after, our line advanced, with strong bodies of skirmishers in front, the action became general, and continued with severity during the greater part of the day, and until the enemy was driven from the field. The obliquity of our line, the left being thrown forward, brought Nelson's division first into action, and it became very hotly engaged at an early hour. A charge of the nineteenth brigade, from Nelson's right, led by its commander, Colonel Hazen, reached the enemy's second battery, but the brigade sustained a heavy loss by a cross-fire of the enemy's batteries, and was unable to maintain its advantage against the heavy infantry force that came forward to oppose it. The enemy recovered the battery and followed up his momentary advantage by throwing a heavy force of infantry into the woods in front of Crittenden's left. The left brigade, Colonel W. S. Smith, of that division, advanced into the woods, repulsed the enemy handsomely, and took several prisoners. In the mean time Captain Terrill's battery, Fifth Artillery, which had just landed, reached the field, and was ordered into action near the left, with Nelson's division, which was very heavily pressed by the greater numbers of the enemy. It belonged properly to McCook's division. It took position near the Hamburgh road, in the open ground, in front of the enemy's right, and at once began to act with decided effect upon the

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tide of battle in that quarter. The enemy's right battery was silenced. Ammen's brigade, which was on the left, advanced in good order on the enemy's right, but was checked for some time by his endeavor to turn our left flank and by his strong counter-attack in front. Captain Terrill, who, in the mean time, had taken an advanced position, was compelled to retire, leaving one caisson, at which every horse was killed or disabled. It was very soon recovered. Having been re-enforced by a regiment from General Boyle's brigade, Nelson's division again moved forward, and forced the enemy to abandon entirely his position. This success flanked the enemy's position at his second and third batteries, from which he was soon driven, with the loss of several pieces of artillery, by the concentrated fire of Terrill's and Mendenhall's batteries and an attack from Crittenden's division in front. The enemy made a second stand some eight hundred yards in rear of this position and opened fire with his artillery. Mendenhall's battery was thrown forward, silenced the battery, and it was captured by Crittenden's division, the enemy retreating from it. In the mean time the division of General McCook, on the right, which became engaged somewhat later in the morning on the left, had made steady progress until it drove the enemy's left from the hotly-contested field. The action was commenced in this division by General Rousseau's brigade, which drove the enemy in front of it from the first position and captured a battery. The line of attack of this position caused a considerable widening of the space between it and Crittenden's right. It was also outflanked on its right by the line of the enemy, who made repeated strong attacks on its flanks, but was always gallantly repulsed. The enemy made his last stand in front of this division, in the woods beyond Sherman's camp.

Two brigades of General Wood's division arrived just at the close the battle, but only one of them, Colonel Wagner's, in time to participate actively in the pursuit, which it continued for about a mile and until halted by my order. Its skirmishers became engaged for a few minutes with skirmishers covering the enemy's rear-guard, which made a momentary stand. It was also fired upon by the enemy's artillery on its right flank, but without effect. It was well conducted by its commander, and showed great steadiness.

The pursuit was continued no further that day. I was without cavalry, and the different corps had become a good deal scattered on a pursuit over a country which screened the movements of the enemy, and the roads of which I knew practically nothing. In the beginning of the pursuit, thinking it probable the enemy had retired partly by the Hamburgh road, I had ordered Nelson's division forward as far as Lick Creek on that road, from which I afterward learned the direct Corinth road was separated by a difficult ravine, which empties into Lick Creek. I therefore occupied myself with examining the ground and getting the different divisions into position, which was not effected until some time after dark.

The following morning, in pursuance of the directions of General Grant, General Wood was sent forward with two of his brigades and a battery of artillery, to discover the position of the enemy and press him, if he should be found in retreat. General Sherman, with about the same force from General Grant's army, was on the same service, and had a spirited skirmish with the enemy's cavalry, driving it back. The main force was found to have retreated beyond Lick Creek, and our troops returned at night.

There were no idlers in the battle of the 7th. Every portion of the army did its work. The batteries of Captains Terrill and Mendenhall

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were splendidly handled and served; that of Captain Bartlett was served with great spirit and gallantry, though with less decisive results. I especially commend to the favor of the Government, for distinguished gallantry and good conduct, Brigadier General A. McD. McCook, commanding second division; Brigadier General William Nelson, commanding fourth division; Brigadier General Thomas L. Crittenden, commanding fifth division; Brigadier General Lovell H. Rousseau, commanding fourth brigade; Brigadier General J. T. Boyle, commanding the sixteenth brigade; Colonel J. Ammen, Twenty-fourth Ohio Volunteers, commanding tenth brigade; Colonel W. S. Smith, Thirteenth Ohio Volunteers, commanding fourteenth brigade; Colonel E. N. Kirk, Thirty-fourth Illinois Volunteers, commanding fifth brigade; Colonel W. H. Gibson, Forty-ninth Ohio Volunteers, temporarily commanding sixth brigade; Captain W. A. Terrill, Fifth Artillery; Captain John Mendenhall, Fourth Artillery; Captain Bartlett, Ohio Volunteer Battery. For the many other officers who won honorable distinction, I refer to the reports of the division, brigade, and regimental commanders transmitted herewith, as also for more detailed information of the services of the different corps. I join cordially in the commendation bestowed by these officers on those under their command.

The loss of the force under my command is 263 killed, 1,816 wounded, and 88 missing. Total, 2,167. The trophies are twenty pieces of artillery, a greater number of caissons, and a considerable number of small arms. Many of the cannon were recaptured from the loss of the previous day. Several stands of colors were also recaptured.

The members of my staff, Colonel James B. Fry, chief of staff; Captain J. M. Wright, assistant adjutant general; Lieutenant C. L. Fitzhugh, Fourth Artillery, aide-de-camp; Lieutenant A. F. Rockwell, New York Chasseurs, aide-de-camp; Lieutenant T. J. Bush, Twenty-fourth Kentucky, aide-de-camp; Captain J. H. Gilman, Nineteenth Infantry, inspector of artillery; Captain E. Gay, Sixteenth Infantry, inspector of cavalry; Captain H. C. Bankhead, Fifth Infantry, inspector of infantry; Captain Nathaniel Michler, Topographical Engineers, were distinguished for their gallant bearing throughout the battle, and rendered valuable service. The gallant deportment of my orderlies, Privates A. J. Williamson, Fourth Cavalry, and N. M. Smith, J. R. Hewitt, J. A. Stevenson, V. B. Hammell, of the Anderson Troop, also deserves to be mentioned. I am particularly indebted to Colonel Fry, chief of staff, for valuable assistance in the battle, as well as for the ability and industry with which he has at all times performed the important duties of his position. Surgeon Murray, medical director, always assiduous in the discharge of his duties, was actively engaged on the field in taking the best care of the wounded that the circumstances admitted of. Captain Gillem, assistant quartermaster, is entitled to great credit for his energy and industry in providing transportation for the troops from Savannah. Lieutenant Colonel James Oaks, Fourth Cavalry, inspector of cavalry, and Captain C. C. Gilbert, First Infantry, acting inspector general, who have rendered zealous and valuable service in their positions, were detained at Savannah and unable to be present in the action.

The troops which did not arrive in time for the battle, General Thomas's and part of General Wood's divisions, (a portion of the latter, as I have previously stated, took part in the pursuit and the remainder arrived in the evening,) are entitled to the highest praise for the untiring energy with which they pressed forward, night and day, to share the dangers of their comrades. One of these divisions, General Thomas's, had already, under his command, made its name honorable

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by one of the most memorable victories of the war, "Mill Spring," on which the tide of success seemed to turn steadily in favor of the Union.

D. C. BUELL,
Major General, Commanding.

Captain N. H. McLEAN.

OFFICIAL REPORT OF THE BATTLE OF PERRYVILLE.

LOUISVILLE, *November* 4, 1862.

SIR: It is due to the army which I have commanded for the last twelve months, and perhaps due to myself, that I should make a circumstantial report of its operations during the past summer. Such a report requires data not now on hand, and would occupy more time than can be spared at present from the subject of more immediate interest, namely, the operations from Louisville against the rebel forces in Kentucky under the command of General Bragg. I therefore commence this report from that period, premising only in a general way that my attention to the condition of affairs in Kentucky was demanded first by the minor operations of the enemy, which, by the destruction of the railroad, had completely severed the communications of my army, and left it at a distance of three hundred miles from its base with very limited supplies; and second by the formidable invasion which not only threatened the permanent occupation of the State, but exposed the States north of the Ohio River to invasion.

Leaving a sufficient force to hold Nashville, the remainder of the army under my command was put in march for Kentucky. The rear division left Nashville on the 15th, and arrived at Louisville, a distance of one hundred and seventy miles, on the 29th of September. The advance arrived on the 25th. The particulars of the march will, as I have said, be given in a subsequent report in connection with other matters. I found in and about the city a considerable force of raw troops hurriedly thrown in from Illinois, Indiana, and Ohio, for the defense of the city against the formidable force that had invaded the State under Generals Bragg and Kirby Smith, under the command of Major General Nelson, whose untimely death cannot be too much deplored; these troops had been organized into brigades and divisions, and they had some able and experienced officers in Generals Boyle, Jackson, Crufts, Gilbert, Terrill, and others; but the troops were as yet undisciplined, unprovided with a suitable artillery, and in every way unfit for active operations against a disciplined foe. It was necessary to reorganize the whole force. This was done, as far as possible, by intermixing the new troops with the old, without changing the old organization. The troops were supplied with shoes and other essentials, of which they were greatly in need, among them certain light cooking utensils, which the men could carry and dispense with wagons, the allowance of which was reduced to one for each regiment to carry a few necessary articles for officers, and one for hospital supplies, besides the ambulances. The army was to have marched on the 30th of September, but an order, which was subsequently suspended, relieving me from the command, delayed the movement till the following day. The army marched on the 1st ultimo in five columns. The left moved toward Frankfort to hold in check the force of the enemy which still remained at or near that place. The other columns, marching by different routes, finally fell

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respectively into the roads leading from Shepherdsville, Mount Washington, Fairfield, and Bloomfield, to Bardstown, where the main force of the enemy under General Bragg was known to be. These roads converge upon Bardstown at an angle of about fifteen degrees from each other.

Skirmishing with the enemy's cavalry and artillery marked the movement of each column from within a few miles of Louisville. It was more stubborn and formidable near Bardstown, but the rear of the enemy's infantry retired from that place eight hours before our arrival, when his rear-guard of cavalry and artillery retreated, after a sharp engagement with my cavalry. The pursuit and skirmishing with the enemy's rear-guard continued toward Springfield.

The information which I received indicated that the enemy would concentrate his forces at Danville. The first corps, under Major General McCook, was therefore ordered to march from Bloomfield on Harrodsburgh, while the second corps, under Major General Crittenden, moved on the Lebanon road, which passes four miles to the south of Perryville, with a branch to the latter place, and the third corps on the direct road to Perryville. My headquarters accompanied the third or center corps. Major General Thomas, second in command, accompanied the right or second corps. After leaving Bardstown I learned that the force of Kirby Smith had crossed to the west side of the Kentucky River, near Salvisa, and that the enemy was moving to concentrate either at Harrodsburgh or Perryville. General McCook's route was therefore changed from Harrodsburgh to Perryville.

The center corps arrived on the afternoon of the 7th, and was drawn up in order of battle about three miles from Perryville, where the enemy appeared to be in force. The advanced guard, under Captain Gay, consisting of cavalry and artillery, supported toward evening by two regiments of infantry, pressed successfully upon the enemy's rear-guard to within two miles of the town, against a somewhat stubborn opposition.

The whole army had for three days or more suffered from a scarcity of water. The last day particularly the troops and animals suffered exceedingly for want of it, and from hot weather and dusty roads. In the bed of Doctor's Creek, a tributary of Chaplin River, about two and a half miles from Perryville, some pools of water were discovered, which the enemy showed a determination to prevent us from gaining possession of. The thirty-sixth brigade, under the command of Colonel Daniel McCook, from Sheridan's division, was ordered forward to seize and hold a commanding position which covered these pools. It executed the order that night, and a supply of bad water was secured for the troops.

On discovering that the enemy was concentrating for battle at Perryville, I sent orders, on the night of the 7th, to General McCook and General Crittenden to march at 3 o'clock the following morning, so as to take position respectively as early as possible on the right and left of the center corps; the commanders themselves to report in person for orders on their arrival, my intention being to make the attack that day if possible. The orders did not reach General McCook until 2.30 o'clock, and he marched at 5.

The second corps failing to find water where it was expected to encamp the night of the 7th, had to move off the road for that purpose, and consequently was some six miles or more further off than it would otherwise have been. The orders did not reach it in time, and these two causes delayed its arrival several hours. Still it was far enough

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advanced to have been pressed into the action of the 8th, if the necessity for it had been known early enough.

The engagement which terminated at night the previous day was renewed early on the morning of the 8th by an attempt of the enemy to drive the brigade of Colonel McCook from the position taken to cover the water in Doctor's Creek. The design had been discovered, and the divisions of Generals Mitchell and Sheridan were moved into position to defeat it and hold the ground until the army was prepared to attack in force. A spirited attack was made on Colonel McCook's position, which was handsomely repulsed. Between 10 and 11 o'clock the left corps arrived on the Maxville road. General McCook was instructed to get it promptly into position on the left of the center corps, and to make a reconnaissance to his front and left. The reconnaissance had been continued by Captain Gay toward his front and right, and sharp firing with artillery was then going on. I had somewhat expected an attack early in the morning on Gilbert's corps, while it was isolated, but, as it did not take place, no formidable attack was apprehended after the arrival of the left corps. The disposition of the troops was made mainly with a view to a combined attack on the enemy's position at daylight the following morning, as the time required to get all the troops into position after the unexpected delay would probably make it too late to attack that day.

The cannonading which commenced with the partial engagement in the center, followed by the reconnaissance of the cavalry under Captain Gay, extended toward the left and became brisker as the day advanced, but was not supposed to proceed from any serious engagement, as no report to that effect was received. At 4 o'clock, however, Major General McCook's aide-de-camp arrived and reported to me that the general was sustaining a severe attack, which he would not be able to withstand unless re-enforced—that his flanks were already giving way. He added, to my astonishment, that the left corps had actually been engaged in a severe battle for several hours—perhaps since 12 o'clock. It was so difficult to credit the latter that I thought there must even be some misapprehension in regard to the former. I sent word to him that I should rely on his being able to hold his ground, though I should probably send him re-enforcements. I at once sent orders for two brigades from the center corps (Schœpff's division) to move promptly to re-enforce the left. Orders were also sent to General Crittenden to move a division in to strengthen the center, and to move with the rest of his corps energetically against the enemy's left flank. The distance from one flank of the army to the other was not, perhaps, less than six miles, and before the orders could be delivered and the right corps make the attack, night came on and terminated the engagement.

The roads going from Maxville and Springfield enter Perryville at an angle of about fifteen degrees with each other. The road from Lebanon runs nearly parallel to the Springfield road to within five miles of Perryville, and there forks—the left-hand fork going to Perryville and the right continuing straight on to Danville, leaving Perryville four miles to the north. There is also a direct road from Perryville to Danville. Perryville, Danville, and Harrodsburgh occupy the vertices of an equilateral triangle, and are ten miles apart. Salt River rises midway between Perryville and Danville, and runs northward two miles west of Harrodsburgh. Chaplin Fork rises near and passes through Perryville, bending in its course so as to run obliquely away from the Maxville and Perryville road, on which the left corps advanced. Doctor's Creek, running north, crosses the Perryville and Springfield road at right angles about

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two and a half miles west of Perryville, and empties into Chaplin Fork about three miles from town. The ground bordering the Chaplin is hilly, with alternate patches of timber and cleared land. The hills, though in some places steep, are generally practicable for infantry and cavalry, and in many places for artillery. The ground afforded the enemy great advantages for attacking a force on the Maxville road, taken in the act of forming, as was the case in the battle of the 8th. General McCook's line ran nearly parallel with Chaplin Fork, the right resting on the road and the left to the north of it. Two of General Rousseau's brigades, the seventeenth, under Colonel Lytle, and the fourth, under Colonel Harris, were on the right; then the thirty-third brigade under General Terrill, of Jackson's division; then on the extreme left and to the rear of Terrill the twenty-eighth brigade, under Colonel Starkweather, of Rousseau's division. The other brigade of Jackson's division, under Colonel Webster, was at first in rear of Rousseau's two right brigades, and in the course of the battle was brought into action on the right. General Gilbert's corps was on the right of Rousseau, but the space between them was somewhat too great—first Sheridan's division, then Mitchell's, and Schœpff's in reserve, opposite the left of the corps.

The fight commenced early in the day, as has been described, with a feeble attack on the center corps; then later the attack fell with severity and pertinacity on Rousseau's right brigades; then somewhat later on Terrill's brigade and on Rousseau's third brigade on the extreme left. It was successful against Terrill's brigade, composed of new regiments. The gallant commander of the division, General J. S. Jackson, was killed almost instantly. The heroic young brigadier, Terrill, lost his life in endeavoring to rally his troops, and ten pieces of artillery were left on the ground. Two of them were carried off by the enemy the next morning; the rest were recovered. The main weight of the battle thus fell upon the third division, under General Rousseau. No troops could have met it with more heroism. The left brigade, compelled at first to fall back somewhat, at length maintained its ground and repulsed the attack at that point. Taking advantage of the opening between Gilbert's left and Rousseau's right, the enemy pressed his attack at that point with an overwhelming force. Rousseau's right was being turned, and was forced to fall back, which it did in excellent order, until re-enforced by Gooding's and Steadman's brigades, from Gilbert's corps, when the enemy was repulsed. That result was also promoted by the fire which the artillery of Sheridan's division poured into the enemy's left flank. Simultaneously with the heaviest attack on Rousseau's division the enemy made a strong attack on Sheridan's right. Sheridan was re-enforced from Mitchell's division by Colonel Carlin's brigade, which charged the enemy with intrepidity, and drove him through the town to his position beyond, capturing, in the town, two caissons and fifteen wagons loaded with ammunition, and the guard that was with them, consisting of three officers and one hundred and thirty-eight men. This occurred about nightfall, which terminated the battle. The corps of General Crittenden closed in, and Wagner's brigade, of Wood's division, became engaged and did good service on the right of Mitchell's division; but, knowing nothing of the severity of the fight on the extreme left, the rest of the corps did not get into action.

No doubt was entertained that the enemy would endeavor to hold his position. Accordingly, orders were sent to the commanders of corps to be prepared to attack at daylight in the morning. They received instructions in person at my headquarters that night, except General

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Crittenden, for whom instructions were given to Major General Thomas, second in command. General McCook supposed, from indications in his front, that the enemy would throw a formidable force against his corps, in pursuance of the original attempt to turn our left. He represented, also, that his corps was very much crippled, the new division of General Jackson having in fact almost entirely disappeared as a body. He was instructed to move in during the night and close the opening between his right and General Gilbert's left. His orders for the following day were to hold his position, taking advantage of any opportunity that the events of the day might present. The corps of Generals Crittenden and Gilbert were to move forward at six o'clock and attack the enemy's front and left flank. The advance the following morning, in pursuance of these orders, discovered that the enemy's main body had retired during the night, but without any indications of haste or disorder, except that his dead and wounded were left upon the field. The reconnaissance during the day showed that his whole force had fallen back on Harrodsburg, where the indications seemed to be that he would make a stand.

It will be impossible to form any correct judgment of the operations from this time particularly, without considering the condition of the two armies, and the probable intentions of the enemy. The rebel army has been driven from the borders of Kentucky without a decisive battle. It is spoken of as if it were a comparatively insignificant force pursued by an overwhelming one, which had nothing to do but send out patrols and gather in the fragments of a routed and disorganized army. The very reverse was the case. The rebel force which invaded Kentucky, at the lowest estimates, has been rated at from fifty-five to sixty-five thousand men. It was composed of veteran troops, well armed and thoroughly inured to hardship. Every circumstance of its march, and the concurrent testimony of all who came within reach of its lines, attest that it was under perfect discipline. It had entered Kentucky with the avowed purpose of holding the State. Its commanders declared that to be their intention to the last; intercepted communications disclosing their plans, and the disappointment expressed by the southern press at the result, show that to have been their purpose. The enterprise certainly seemed desperate, but it was entered upon deliberately, was conducted by the best talent in the rebel service, and there was nothing to indicate that it would be abandoned lightly. Some maneuvering for advantage, and one decisive battle, were to be expected before Kentucky could be rid of her invader. Everything goes to show that the final retreat of the enemy was suddenly determined on, and that it was not at the time to be calculated upon as a matter of course. Any movements on my part solely in anticipation of it would only have turned the enemy in a different direction, and any presumptuous attempt to capture a superior force by detachments would, according to all probabilities, have been more likely to result in defeat than in success.

The effective force which advanced on Perryville on the 7th and 8th, under my command, was about fifty-eight thousand infantry, artillery, and cavalry. Of these about twenty-two thousand were raw troops, with very little instruction or none at all. The reports show an actual loss of upward of four thousand killed, wounded, and missing in the battle, which would leave the effective force about fifty-four thousand after it. I did not hesitate, therefore, after crossing Chaplin River and finding the enemy had fallen back, to await the arrival of General Sill's division, which had marched to Frankfort and had been ordered to join, via Lawrenceburgh and Chaplintown, when it was ascertained that Kirby Smith's force had marched to form a junction with Bragg. That division,

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on the march from Louisville, encountered a strong outpost of the enemy on the Frankfort Road, about twelve miles out, and skirmishing was kept up until its arrival at Frankfort. It was followed closely by General Dumont's division, which remained at Frankfort. In marching from Frankfort to join the main body Sill's division was attacked near Lawrenceburgh by a portion of Kirby Smith's force, which it drove off, and then continued its march, arriving at Perryville on the evening of the 11th. Pending its arrival the army took position with its right four miles from Danville, its center on the Perryville and Harrodsburgh Pike, and the left near Dicksville, on roads converging on Harrodsburgh. On the 11th three brigades from Crittenden's and Gilbert's corps, with Gay's and McCook's cavalry brigades, were sent out to reconnoiter the enemy's position. He was found in force two miles south of Harrodsburgh, in the morning, but retired during the day, and his rear guard was driven out in the evening with the loss of some stores and about twelve hundred prisoners, mostly sick and wounded. It was probable he would retire his whole force to Camp Dick Robinson, though it was not certainly ascertained what portion of it had crossed Dick's River. To compel him to take at once one side or the other, and either give battle on this side or be prevented from recrossing to attack our communications when a move was made to turn his position, the left corps moved on the 12th to Harrodsburgh, (General Sill's division having arrived the night before;) the right corps moving forward and resting near and to the left of Danville, and the center midway on the Danville and Harrodsburgh road; while a reconnaissance was sent forward to the crossing of Dick's River. The enemy was found to have crossed with his whole force.

The ground between the Kentucky River and Dick's River, as a military position, is rendered almost impregnable on the north and west by the rocky cliffs which border those streams, and which are only passable at a few points, easily defended. Such is the character of Dick's River from its mouth to where the Danville and Lexington road crosses it, a distance of about twelve miles. It could only be reached by turning it to the south, while the passes to the west, by which our line of communications would be exposed, were suitably guarded. The army was moving with that view when I learned, on the evening of the 13th, at Danville, that the enemy was retiring from his position toward the south. Pursuit was immediately ordered for the purpose of overtaking him, or intercepting him if he should attempt to pass toward Somerset. General Wood's division marched at 12 o'clock that night, and engaged the enemy's cavalry and artillery at Stanford at daylight the next morning. The remainder of General Crittenden's corps and General McCook's corps followed on that road, and General Gilbert marched on the Lancaster road. The enemy kept the road toward Cumberland Gap, opposing with cavalry and artillery the advance of both of the pursuing columns, which, however, progressed steadily.

At Crab Orchard the character of the country suddenly changes. It becomes rough and barren, affording scarcely more than enough corn for its sparse population; and the road passes through defiles where a small force can resist with great effect a large one—where, in fact, the use of a large force is impracticable. The little forage the country afforded was consumed by the enemy in his retreat, rendering it impossible to subsist any considerable number of animals. The corps of General McCook and General Gilbert were therefore halted at Crab Orchard, while that of General Crittenden, with General W. S. Smith's division in advance, continued the pursuit as far as London on the direct road,

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and on the branch road to Manchester. I have not yet received the formal report of the operations of this corps; but the pursuit was conducted by its commander according to my orders with judgment and energy. The road was cleared of the trees felled across it by the enemy, and his rear guard attacked successfully at several points. Some prisoners were taken, and about three hundred head of cattle, and other property to no very great amount captured. It was not expedient to continue the pursuit beyond London—partly because it was impracticable in a manner to afford any material advantage; partly because without advantage it took the troops out of the way, when they were likely to be required elsewhere. They were therefore promptly turned upon other routes toward Tennessee. A portion were to be at Bowling Green and the rest at Glasgow on the 31st ultimo, and thence continue their march by certain routes. In that position I relinquished the command of the army on the 30th to Major General Rosecrans, in obedience to instructions from the General-in-Chief. In the mean time the railroads, which had been broken up by the enemy and suspended for two months, had been repaired as far as Bowling Green, to carry forward supplies.

I have no means at this time of reporting the casualties that occurred in the minor engagements or skirmishes that took place during the campaign, nor is it possible for me to do justice to the services of the officers and soldiers engaged in them, as the subsequent movements of the troops and my separation from them have prevented me from obtaining detailed reports except concerning the battle of the 8th. The particulars referred to outside of the battle are based upon the brief and sometimes oral reports made at the time, and are unavoidably less complete and definite than I could wish. For the same reason many such I am unable to mention at all. In regard to the battle of the 8th, the reports of the several commanders go much more into detail than is necessary in this report, and I beg leave to commend them to your consideration, especially in relation to the services of many officers whose names are not herein mentioned. When I have mentioned troops by the name of their commander, I wish to be understood as commending him for their good conduct.

The daily services of officers in an active campaign, though less brilliant, are often more arduous and important than those of the battle-field; and in this respect also the commanders of corps, Major General McCook, Major General Crittenden, and Brigadier General Gilbert, are entitled to my thanks and the approbation of the Government. This commendation should extend also to many other officers in proportion to their responsibilities, particularly to the commanders of divisions. I am indebted in the highest degree to the members of my staff for their assistance, especially to my chief of staff, Colonel James B. Fry, whose efficient aid I have had during the whole period of my command in Kentucky and Tennessee. The difficult and responsible duty of supplying a large force by wagon transportation over a line of almost one hundred and forty miles has been zealously and ably performed by Captain J. G. Chandler, chief quartermaster, and Captain Francis Darr, chief commissary. Captain H. C. Bankhead, acting inspector general, Capt. J. H. Gilman, chief of artillery and acting ordnance officer, and Captain N. Michler, Topographical Engineers, discharged their duties in the most satisfactory manner. At Perryville they were active and useful in reconnoitering the ground with a view to posting troops for battle. Major J. M. Wright, assistant adjutant general, Lieutenant C. L. Fitzhugh, aide-de-camp, Lieutenant T. J. Bush, aide-de-camp, conveyed my orders to different commanders during the 8th,

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and at all times performed their duties with intelligence and zeal. The duties of his office have been ably and faithfully performed by Surgeon Robert Murray, medical director. The intelligent officers of the Signal Corps, Captain Jesse Merrill, and Lieutenants Meeker, Sheridan, and Fitch, attached to my headquarters, rendered good service at Perryville and other points. Private Oakford, of the Anderson Troop, in carrying orders late on the evening of the 8th, fell into the enemy's lines and was captured, but had the presence of mind to destroy his dispatches.

I cannot omit to make honorable mention of the Michigan regiment of Mechanics and Engineers. It has not only rendered invaluable service in its appropriate duties during the past year, but at Chaplin Hills, and on other occasions, it has in whole or in part gallantly engaged the enemy. I especially commend Colonel Innis, Lieutenant Colonel Hunton, and Major Hopkins for the efficient services of this fine regiment. The cavalry under Colonel John Kennett, Fourth Ohio, commanding a division, Colonel Lewis Zahm, Third Ohio, commanding a brigade, Colonel E. L. McCook, Second Indiana, commanding a brigade, and Captain E. Gay, commanding a brigade, rendered excellent service. The brigade of Captain Gay was conducted with gallantry and effect by that officer at Perryville on the 7th and 8th. The other brigades were not in battle, but came in contact with the enemy on other occasions during the campaign. When the army marched on Louisville they were left on the south side of Salt River, under the command of Colonel Kennett, to escort the train of the army from Bowling Green, and watch the enemy in the direction of Bardstown. The train was conducted in the most successful manner by Colonel Zahm. The brigade of Colonel E. L. McCook also acquitted itself in the most satisfactory manner. A portion of it, under Lieutenant R. R. Stewart, Second Indiana Cavalry, captured Colonel Crawford and the principal part of his regiment of Georgia cavalry, near New Haven, on the 29th of September. Colonel Kennett, with Colonel McCook's brigade, rejoined the army at Bardstown on the 5th. Colonel Zahm marched across from the mouth of Salt River to join the column at Frankfort, thence to the main body at Danville.

The campaign whose history I have sketched occupied a period of about twenty days. The result can be stated in a few words. An army prepared for the conquest and occupation of Kentucky, with full knowledge of our means of resistance, and with a confident expectation of prevailing over them, has been driven back, baffled and dispirited, from the borders of the State. It is true that only one serious battle has been fought, and that was incomplete and less decisive than it might have been. That it was so is due partly to unavoidable difficulties which prevented the troops, marching on different roads, from getting upon the ground simultaneously, but more to the fact that I was not apprised early enough of the condition of affairs on my left. I can find no fault with the former, nor am I disposed at this time to censure the latter, though it must be admitted to have been a grave error. I ascribe it to the too great confidence of the general commanding the left corps, (Major General McCook,) which made him believe that he could manage the difficulty without the aid or control of his commander. As before stated, there was skirmishing along the whole front, but after a certain hour, for the reason stated, no general engagement was anticipated that day, and no sound of musketry reached my headquarters by which the sharpness of the action on the left could be known or even suspected; and when the fact was ascertained it was too late to do more than throw in succor before night set in. But although this lack of information was

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attended with disappointment and unfortunate circumstances, yet the unequal struggle was marked by no disaster, and conspicuously displayed the courage and discipline of the troops.

From first to last, I suppose four or five thousand prisoners, sick, wounded, and well, were taken; and at various points some stores and property fell into our hands, among them twenty-five hundred barrels of pork and two pieces of cannon abandoned at Camp Dick Robinson. I do not believe that the enemy carried off in his retreat any large amount of stores; he may have sent off a good deal from first to last, while he was in quiet occupation of so much of the State.

The reports show a loss of 916 killed, 2,943 wounded, and 489 missing; total, 4,348, in the battle of the 8th. It includes many valuable lives. The loss of such men as James S. Jackson, William R. Terrill, George P. Jouett, George Webster, W. P. Campbell, Alexander D. Berryhill, and John Harrell, would be mourned in any army and any cause where true manliness and earnest devotion are appreciated.

I inclose herewith the reports of subordinate commanders as far as received, and a map showing the lines of operation of the army.

Major General Thomas acted as second in command during the campaign, and I am indebted to him for the most valuable assistance.

Very respectfully, your obedient servant,

D. C. BUELL,
Major General, Commanding.

General L. THOMAS,
Adjutant General U. S. A., Washington, D. C.

GENERAL ORDERS No. 23.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Kentucky, December 27, 1861.

The general commanding takes pleasure in bringing to notice the gallant conduct of a portion of Colonel Willich's regiment, Thirty-second Indiana, at Rowlett's Station, in front of Munfordsville, on the 17th instant.

Four companies of the regiment, under Lieutenant Colonel Von Trebra, on outpost duty, were attacked by a column of the enemy, consisting of one regiment of cavalry, a battery of artillery, and two regiments of infantry. They defended themselves until re-enforced by other companies of the regiment, and the fight was continued with such effect that the enemy at length retreated precipitately.

The attack of the enemy was mainly with his cavalry and artillery. Our troops fought as skirmishers, rallying rapidly into squares when charged by the cavalry—sometimes even defending themselves singly, and killing their assailants with the bayonet.

The general tenders his thanks to the officers and soldiers of the regiment for their gallant and efficient conduct on this occasion. He commends it as a study and example to all other troops under his command, and enjoins them to emulate the discipline and instruction which insure such results.

The name of "Rowlett's Station" will be inscribed on the regimental colors of the Thirty-second Indiana Regiment.

By command of Brigadier General Buell.

JAMES B. FRY,
A. A. G., Chief of Staff.

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GENERAL ORDERS No. 4 *a*.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Kentucky, January 20, 1862.

The general commanding takes occasion to thank Colonel Garfield and his troops for their successful campaign against the rebel force under General Marshall on the Big Sandy, and their gallant conduct in battle. They have overcome formidable difficulties in the character of the country, the condition of the roads, and the inclemency of the season: and, without artillery, have in several engagements, terminating with the battle on Middle Creek on the 11th instant, driven the enemy from his intrenched positions, and forced him back into the mountains with the loss of a large amount of baggage and stores, and many of his men killed or captured.

These services have called into action the highest qualities of a soldier—fortitude, perseverance, courage.

By command of General Buell.

JAMES B. FRY,
A. A. G., Chief of Staff.

GENERAL ORDERS No. 4 *b*.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Louisville, Kentucky, January 23, 1862.

The general commanding has the gratification of announcing the achievement of an important victory on the 19th instant, at Mill Spring, by the troops under General Thomas over the rebel forces, some twelve thousand strong, under General George B. Crittenden and General Zollicoffer.

The defeat of the enemy was thorough and complete, and his loss in killed and wounded was great. Night alone, under cover of which his troops crossed the river from their intrenched camp and dispersed, prevented the capture of his entire force. Fourteen or more pieces of artillery, some fifteen hundred horses and mules, his entire camp-equipage, together with wagons, arms, ammunition, and other stores to a large amount, fell into our hands.

The general has been charged by the General-in-Chief to convey his thanks to General Thomas and his troops for their brilliant victory. No task could be more grateful to him, seconded as it is by his own cordial approbation of their conduct.

By command of Brigadier General Buell.

JAMES B. FRY,
A. A. G., Chief of Staff.

GENERAL ORDERS No. 13 *a*.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Nashville, Tennessee, February 26, 1862.

The general commanding congratulates his troops that it has been their privilege to restore the national banner to the capital of Tennessee.

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He believes that thousands of hearts in every part of the State will swell with joy to see that honored flag reinstated in a position from which it was removed in the excitement and folly of an evil hour; that the voice of her own people will soon proclaim its welcome, and that their manhood and patriotism will protect and perpetuate it.

The general does not deem it necessary, though the occasion is a fit one, to remind his troops of the rule of conduct they have hitherto observed and are still to pursue. We are in arms not for the purpose of invading the rights of our fellow-countrymen anywhere, but to maintain the integrity of the Union, and protect the Constitution under which its people have been prosperous and happy. We cannot, therefore, look with indifference on any conduct which is designed to give aid and comfort to those who are endeavoring to defeat these objects; but the action to be taken in such cases rests with certain authorized persons, and is not to be assumed by individual officers or soldiers. Peaceable citizens are not to be molested in their persons or property. Any wrongs to either are to be promptly corrected and the offenders brought to punishment. To this end all persons are desired to make complaint to the immediate commander of officers or soldiers so offending, and if justice be not done promptly, then to the next commander, and so on until the wrong is redressed. If the necessities of the public service should require the use of private property for public purposes, fair compensation is to be allowed. No such appropriation of private property is to be made except by the authority of the highest commander present, and any other officer or soldier who shall presume to exercise such privilege shall be brought to trial. Soldiers are forbidden to enter the residences or grounds of citizens on any plea without authority.

No arrests are to be made without the authority of the commanding general, except in case of actual offense against the authority of the Government; and in all such cases the fact and circumstances will immediately be reported in writing to headquarters through the intermediate commanders.

The general reminds his officers that the most frequent depredations are those which are committed by worthless characters who straggle from the ranks on the plea of being unable to march; and where the inability really exists, it will be found in most instances that the soldier has overloaded himself with useless and unauthorized articles. The orders already published on this subject must be enforced.

The condition and behavior of a corps are sure indications of the efficiency and fitness of its officers. If any regiment shall be found to disregard that propriety of conduct which belongs to soldiers as well as citizens, they must not expect to occupy the posts of honor, but may rest assured that they will be placed in positions where they cannot bring shame on their comrades and the cause they are engaged in. The Government supplies with liberality all the wants of the soldier. The occasional deprivations and hardships incident to rapid marches must be borne with patience and fortitude. Any officer who neglects to provide properly for his troops, or separates himself from them to seek his own comfort, will be held to a rigid accountability.

By command of General Buell.

JAMES B. FRY,
A. A. G., Chief of Staff.

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General Orders No. 6.

Headquarters Army of the Ohio,
Field of Shiloh, Tennessee, April 8, 1862.

The general congratulates the army under his command on the imperishable honor won yesterday by a portion of it on the battle-field of Shiloh, near Pittsburgh Landing. The alacrity and zeal with which they pressed forward by forced marches to the succor of their comrades of a sister army imperiled by the attack of an overwhelming force; the gallantry with which they assaulted the enemy; and the persevering courage with which they maintained an incessant conflict against superior numbers from 6 o'clock in the morning until evening, when the enemy was driven from the field, are incidents which point to a great service nobly performed.

The general reminds his troops again that such results are not attained by individual prowess alone; that subordination and careful training are essential to the efficiency of every army; and that the success which has given them a brilliant page in history is greatly due to the readiness with which they have seconded the labors of their division, brigade, and regimental commanders, who first disciplined them in camp, and then led them judiciously and gallantly in battle.

By command of Major General Buell.

JAMES B. FRY,
A. A. G., Chief of Staff.

General Orders No. 476.

Headquarters Army of the Ohio, *October* 12, 1862.

The battle of Chaplin Hills, fought near Perryville, on the 8th instant, will stand conspicuous for its severity in the history of the rebellion. It deserves to be commemorated for the determined valor displayed by the portion of the army that was engaged.

The principal force of the enemy, on chosen ground, under General Bragg, attacked our left wing as it was moving into position after a fatiguing march. The suddenness and strength of the attack, and the fall of two of their gallant leaders, Jackson and Terrill, caused some of the new troops of the tenth division to fall into disorder, and threw the weight of the battle mainly on the third division. This was subsequently re-enforced by two brigades from the center corps, which itself had met with considerable opposition in moving into position. The enemy was repulsed with heavy loss, and when the army advanced to the attack, at 6 o'clock the following morning, was found to have retreated during the night.

The good conduct exhibited by the troops on this field only realizes that which the general has always confidently expected from them. Fortuitous circumstances, which so often affect the incidents of war, screened the enemy from a combined effort of the different corps, and night intervened to prevent his defeat from terminating in the destruction of his army; but the thanks of the general are not less due to the gallant officers and men under his command. In the battle and on the march, the old troops have given the highest proofs of discipline and courage. The new troops already vie with them. Let them preserve order, remembering that lawlessness in an army is both disgraceful and fatal. The sacredness and dignity of the cause for which they are in

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tling demand nothing less. The nation will mourn the loss of the heroes who fell at Chaplin Hills; it will honor those who prove worthy to fill their places.

By command of Major General Buell.

JAMES B. FRY,
Colonel and Chief of Staff.

GENERAL ORDERS No. 150.

HEADQUARTERS ARMY OF THE OHIO,
Louisville, Kentucky, October 30, 1862.

In obedience to orders from the headquarters of the Army, Major General Buell relinquishes the command of the district and Army of the Ohio to Major General W. S. Rosecrans.

It is impossible for the general, without feelings of regard and a warm interest in their future success, to part with troops whom he has been the instrument of converting, for the most part, from raw levies into a powerful army, honored by common consent for its discipline and efficient organization, for its *esprit du corps*, and for victories unqualified by a single reverse, and whose fortunes he has followed for a twelve-month over a field of operations embracing considerable portions of four States, through difficulties and dangers which its fortitude and courage have mastered without accident or failure. It has recently, by a rapid march of some five hundred miles, with limited subsistence, often with an inadequate supply of water, returned to Kentucky and driven from her borders a powerful army, and, having re-established its communications, is now well on its way to meet the enemy at other points. The occasion is not convenient for recounting its services during the past twelve months, but the army may safely recur to them with pride. If anything has not been accomplished which was practicable within the sphere of its duty, the general cheerfully holds himself responsible for the failure.

The general reflects with pride that the army under his command has, for the most part, been free from petty jealousies and intrigue; that it has neither indulged in vain boasting nor tarnished its high character by bickerings and low criminations. It will enhance his gratification if it shall carry to its new commander—who already has earned its confidence and respect by distinguished service—the same noble qualities which have characterized it since its organization. He will pray that it may be the instrument of speedily restoring the Union to its integrity; and there is no individual in its ranks in whose honor and welfare he will not feel a special interest.

By command of Major General Buell.

JAMES B. FRY,
Colonel and Chief of Staff.

GENERAL ORDERS No. 29 *a*.

HEADQUARTERS ARMY OF THE OHIO,
In Camp, Huntsville, Alabama, July 11, 1862.

The general commanding the Army of the Ohio takes pleasure in announcing the success of an arduous and hazardous campaign by the seventh division, Brigadier General G. W. Morgan commanding, by which

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the enemy's fortified position at Cumberland Gap was turned and his force compelled to retreat as our troops advanced to attack.

The general thanks Brigadier General Morgan, and the troops of the seventh division, for the ability displayed in the operations against this important stronghold, and for the energy, fortitude, and cheerfulness which they exhibited in their struggles with difficulties of the most formidable magnitude for an army.

By command of Major General Buell.

JAMES B. FRY,
Colonel and Chief of Staff.

ADJUTANT GENERAL'S OFFICE,
Washington, April 15, 1872.

Official copies.

E. D. TOWNSEND,
Adjutant General.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 263.

GOVERNMENT BUILDING IN WASHINGTON CITY.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

An additional appropriation for modification, renovation, and repair of the Government building at the corner of F and Seventeenth streets.

APRIL 17, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT, *April* 12, 1872.

The Secretary of War has the honor to commend to the favorable consideration of the House of Representatives the accompanying report of the superintendent of the building occupied conjointly by bureaus of this Department and the office of the Second Auditor of the Treasury, of needed repairs to the building, and request for an additional provision in the miscellaneous appropriation bill, appropriating the sum of twenty-five thousand dollars for modification, renovation, and repair of the Government building at the corner of F and Seventeenth streets, according to the plan of the superintendent of said building, and under direction of the Secretary of War.

WM. W. BELKNAP,
Secretary of War.

GOVERNMENT BUILDING,
CORNER OF F AND SEVENTEENTH STREETS,
Washington, D. C., April —, 1872.

SIR: I beg leave respectfully to call attention to some modifications and repairs to this building which urgent demand for increased office-accommodation and the present dilapidated condition of its exterior seem to me to render necessary.

The recent removal of the embankment left around the building in newly grading the streets (F and Seventeenth) along its fronts has uncovered so much of its basement-wall as to admit of the windows of the fourteen cellar-rooms of those fronts—most of them now comparatively useless—being sufficiently enlarged to admit of conversion of the rooms into desirable fire-proof office or file rooms, long greatly needed for accommodation of the business of bureaus of the War Department, which, of late years, has so increased as to render indispensable the use, for office pur-

poses, of private buildings at a rent, the saving of which, to the extent stated, will, in a few years, repay the cost of the permanent fire-proof accommodation proposed.

This building, when erected in 1848–'49, as a private enterprise, was finished with oil mastic on a roughly built brick front, to which, as claimed by advocates of its use, it would permanently adhere; but experience has since clearly shown, in this and in many other instances, that all such expectation was fallacious, as the very unsightly appearance of this building for years past abundantly demonstrates.

At present much of the entire mastic surface on the F-street front has fallen off, and nearly all that remains is detached, liable at any time to fall off, and is, in fact, falling off in portions almost daily, so that this F-street front has become so dilapidated and unsightly as to render something in the way of remedy indispensable to the preservation of the building, as well as to its creditable appearance. The front on Seventeenth street is in very little better condition than the F-street front, and what is said of the one is generally applicable to the other.

In considering the means best adopted to restoring these fronts to a proper condition, three expedients present themselves:

1. To clear off the surface of the wall and reface it with oil mastic as heretofore;

2. To cut out four and a half inches (the width of a brick) of the wall from ground to eaves and replace the removed portion with pressed brick or marble, so that, when finished, the building will have the appearance of a pressed-brick front or marble structure; and

3. To clear off all the old mastic that now remains, to rub down the rough bricks to as smooth a surface as may be attainable by that means, by flushing up imperfections in mortar-joints, and to finish by painting and sanding the fronts to show either as painted and sanded brick-work, or as block-work in imitation of granite or other stone, as may be deemed best.

To adopt the first proposition would involve expenses second only to facing with pressed brick or marble, and, considering the perishable nature of oil mastic, as already demonstrated by experience, is not deemed advisable.

The second proposition, facing with pressed-brick or marble, would beautify the building, and bring it more in accordance with the elegance of the granite structure already commenced for the State Department, on the opposite side of Seventeenth street; but apprehension of the effect on the stability of the building of cutting out the necessary portion of its present wall, and doubt of the practicability of replacing such portion with 4½-inch marble to so great a height (71 feet) in a manner to insure permanency, together with its costliness, renders this expedient also unadvisable.

Coming now to the third and last and least expensive remedy mentioned, I see nothing in the way of cost or durability, nor in architectural effect, in contrast with the new State Department to prevent its application to all that portion of the building originally covered with oil mastic.

From the original pavement line to the line at which the mastic commences, a height averaging four feet, the building is cased with marble of inferior quality, several of the slabs of which are broken apparently by the superincumbent pressure, and below this marble belt is the rough blue-stone foundation, recently uncovered to conform to the new grade, to the average depth of three feet four inches, which, under any system of modification or repair, will need to be covered.

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It is proposed, therefore, to remove the existing marble belt, and to case with marble the space between its top and the line of the new grade.

Lowering the grade has imposed a necessity for higher steps at each of the three entrances, where rough wooden ones have been temporarily placed; and, in connection with the casing of the basement story, it is proposed to erect at each of these entrances marble steps, somewhat ornamental, to harmonize in elegance, to some degree, with the new State Department.

An elevation of these steps, and an elevation exhibiting, in black, the basement of the building as it now is, and, in red, as it is proposed herein to finish it, is appended hereto.

In addition to the foregoing, the tin roof put on when the building was built, twenty-three years ago, requires renewal. Extensive repairs of the warming-apparatus, which has been in use and exposed to deterioration from rust in summer for sixteen years, are indispensable to reliability for another season; and the interior of the building requires general renovation. All of which, as well as the modifications herein proposed, it is very desirable may be executed during the season just commenced.

The best estimate I am enabled to make, after diligent inquiry into the cost of such work, is as follows:

Cutting out windows in basement, and filling fourteen cellar-rooms for office or file rooms	$3,500
Removing mastic from fronts on Seventeenth and F streets, clearing face, and pointing and flushing up joints of underlying brick-wall, and pointing and sanding same and other portions of each front, and wood-work of rear and ends of the building.	6,000
Removing marble from basement, from and including present upper course, and re-facing with marble from present ground-line up to present upper course of marble, and building marble steps to each of the front entrances	10,000
Removing tin roof and painting same, repairs of steam warming-apparatus, and painting, white-washing, and general renovation of interior of the building	5,000
Add for unforeseen contingencies	500
Total	25,000

From the nature of the work proposed it is impracticable to do more than state its cost approximately. The estimate for portions of it may prove to be less, while the estimate for other portions may prove to be, to an equal extent, in excess of actual cost; but, having earnestly sought to exhibit, in the aggregate, nothing less and nothing more than will be necessary for proper and economical execution of the work, I entertain no doubt that the amount estimated ($25,000) will accomplish in the best manner all that is proposed.

A view of the building as it now is will, I respectfully submit, dispel any doubt that may exist as to the propriety, if not necessity, of what is proposed for its exterior; and the same may be said of the general renovation of the interior, and especially of the steam-coils of the warming-apparatus, as to which the urgency cannot be too strongly stated.

The building, containing 130 rooms, being without a single fire-place, or even any adequate chimney accommodation for warming by stoves, these coils afford the only means of warming it in winter. They have now been in place for nearly sixteen years, and subject all that time to

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the deteriorating effect of rust on their interior as well as exterior surfaces, and are thereby so reduced in thickness and strength that leaks occasionally occur, and cause constant apprehension of such general yielding to the pressure of steam within, greatest in coldest weather, as to render the entire apparatus useless at a time of its greatest need, causing thereby a suspension of business throughout the building for days; and this, too, considering the reduced appropriations for late years, when there would be no adequate means available for repair.

Impressed by these considerations, with the conviction that fidelity to my trust requires that I should call your attention to them, I respectfully request that application may be made to the Committee on Appropriations of the House of Representatives to provide the means necessary to execute the work by inserting in the miscellaneous appropriation bill, which is understood to be now under consideration, a clause to the following effect, viz:

For modification, renovation, and repair of the Government building at the corner of F and Seventeenth streets, according to the plan of the superintendent of said building, and under direction of the Secretary of War, twenty-five thousand dollars.

I have the honor to be, very respectfully, your obedient servant,

JAMES EVELETH, *Superintendent.*

To the honorable the SECRETARY OF WAR.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 264.

BOUNTY FOR SLAVES.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

Bounty for slaves who enlisted in the Army.

APRIL 17, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *April* 15, 1872.

The Secretary of War has the honor to report to the House of Representatives for the information of the Committee on Military Affairs, which has requested to be informed of the number of slaves who were enlisted in the Army as such, the conditions of their enlistment, and what amount of money would be required to pay them bounty as proposed by a bill now pending before it, that, from *data* carefully collated from the records of this Department, it appears that the total number of colored soldiers in service during the rebellion was 178,975, of which there were slaves, 144,426; enlisted prior to July 18, 1864, 105,179, of which there were slaves, 84,144; total number on record as slaves, 35,795, of which were enlisted prior to July 18, 1864, 21,037.

Slaves enlisted subsequent to July 18, 1864, are entitled under existing laws to the same bounties as freemen.

It is suggested that all colored soldiers should be placed on the same footing as regards bounty, without regard to their civil status prior to enlistment. This view is one that has long been entertained by this Department.

The 21,037 men enlisted prior to July 18, 1864, and who are on the records as slaves, would alone be affected by the legislation proposed, and of this number it is presumed that at least one-fifth have forfeited any benefit that would accrue by desertion, discharge, or death by reason of disease incurred prior to enlistment, discharge or death on account of disease before the expiration of two years' service, &c., leaving 16,830 to be provided for. These are now entitled to $100 bounty, and under the proposed bill would be entitled to $100 additional, and in some cases $200.

A careful approximate estimate places the amount required in the payment of bounties, as proposed, at $2,000,000.

WM. W. BELKNAP,
Secretary of War.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 265.

MARINE HOSPITAL CHARGES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A bill to regulate marine hospital charges for sick or disabled foreign seamen.

APRIL 18, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., April 15, 1872.

SIR: My attention has been called by the supervising surgeon of marine hospitals to the fact, that while the charge for maintaining foreign seamen, admitted to the benefits of the marine hospital system, is, by the same law which provides for their admission, limited to seventy-five cents each per day, the actual expense incurred is often very much in excess of that sum, the total annual expenditure on marine hospital account being thereby largely increased.

I have therefore caused to be prepared, and herewith submit for the action of Congress, a bill repealing the present limit and providing for a charge equal to the average cost incurred for American seamen at the port or place where such foreign seamen may receive hospital relief.

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

A BILL to regulate marine hospital charges for sick or disabled foreign seamen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fifth section of the act approved May 3, 1802, entitled "An act to amend an act entitled 'An act for the relief of sick and disabled seamen,' and for other purposes," as limits the charge for the maintenance or relief of any for-

eign seaman under the marine hospital system to the sum of seventy-five cents per day for each day he may remain in hospital, be and the same is hereby repealed; and in lieu thereof every such seaman shall hereafter be subject to a charge equal to the average expenditure per day incurred for American seamen in like cases, at any port or place within the United States where such foreign seamen may be relieved or maintained, as aforesaid, which charge shall be collected in the manner now provided by law.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 266.

PAY OF PROFESSORS OF THE MILITARY ACADEMY.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

Pay of the Military Academy professors.

APRIL 18, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *April* 17, 1872.

The Secretary of War has the honor to reply to a request of the Committee on Military Affairs of the House of Representatives for his views upon the subject of a memorial from certain professors of the Military Academy, asking legislation to increase their salaries and to give them the benefit of the longevity allowance and retirement laws, by reporting that, in his belief, these gentlemen are entitled to the relief prayed for, and that the substitute suggested in their memorial for the existing laws on the subject of their pay and allowances would seem to be a proper basis for legislative action.

It will be observed that, prior to the act of July 15, 1870, *all* the professors of the Military Academy had an equal and fixed salary, viz: $2,240 per annum, a rate of compensation assimilated to that of colonel of cavalry, and that, being commissioned officers of the Army, those who had served the requisite period or periods of five years, not necessarily continuously, received also the longevity rations.

The new pay law of July 15, 1870, now discriminates between the professors according to length of service in the Army and at the Academy, giving the salary of colonel to those whose service exceeds thirty-five years; of lieutenant colonel to those whose service is less than thirty-five and more than twenty-five years; and of major to all other professors.

Thus far in the law *continuous* service is not made a condition precedent.

But the clause "*hereafter there shall be allowed and paid to said professors ten per centum of their current yearly pay for each and every term of five years continuous service,*" is not in harmony with the law of March 2, 1867, (14 Statutes, pp. 434, 435,) which permits officers to count all their time passed in actual service, (regular and volunteer,) whether continuously or at different periods, and discriminates in favor of some as against others whose services are equally meritorious.

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It is, therefore, believed that a substitute of the nature of that proposed would only be reasonable, and just, and expedient, as it would be in harmony with all the decisions in reference to longevity rations, and with the first section of the act of March 2, 1867.

The memorial is herewith returned.

WM. W. BELKNAP,
Secretary of War.

We, the undersigned, professors of the United States Military Academy, beg leave to call the attention of the Committee on Military Affairs to the following statement, viz.:

There are eight professors of the Military Academy allowed by law, viz.

1. Professor of engineering.
2. Professor of natural and experimental philosophy.
3. Professor of mathematics.
4. Professor of law and ethics.
5. Professor of chemistry, mineralogy, and geology.
6. Professor of drawing.
7. Professor of Spanish.
8. Professor of French.

Of these the professors of engineering, philosophy, law and ethics and French, are appointments made subsequent to the passage of the act of July 15, 1870.

Section thirteen of this act provides as follows, viz:

And be it further enacted, That the professors of the United States Military Academy whose service in the Army and at the Academy exceeds thirty-five years, shall have the pay of colonel, and those whose like service is less than thirty-five, but exceeds twenty-five years, shall have the pay of lieutenant colonel; and all other professors shall have the pay of major, &c.

By death three, and by retirement one, of the professors for whom this act provided have been removed from the faculty of the Academy, and their places have been supplied by new appointments. It is not probable that more than one of these latter will ever attain the grade of lieutenant colonel, owing to the long interval of required service.

We wish to make a comparison between the duties, rank, and pay of the commander of the Corps of Cadets and the professors.

Section two, act of July 20, 1840, provides for the duties and pay of this officer as follows, viz:

That the commander of the Corps of Cadets at the Military Academy shall be either the instructor of infantry tactics, of cavalry and artillery tactics, or of practical engineering, and that his pay and emoluments shall in no case be less than the compensation allowed by law to the professor of mathematics, &c., &c.

The act of June 12, 1858, section two, increases his rank and pay by giving him *local* rank as follows, viz:

That the superintendent of the Military Academy, while serving as such by appointment of the President, shall have the local rank, the pay and allowances of a colonel of engineers; that the commandant of the Corps of Cadets at the Military Academy while serving as such by appointment of the President, shall have the local rank, the pay, and the allowances of lieutenant colonel of engineers; and besides his other duties shall be charged with the duty of instructor in the tactics of the three arms at the said Academy, &c., &c., &c.

The commandant of the Corps of Cadets is, with rare exceptions, a junior in age, in experience, in instruction, and in length of service, to

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the professors. By virtue of his being the head of a department of instruction, (tactics,) he is a member of the academic board.

The professors, your petitioners, are also heads of departments of instruction, requiring longer time and severer application for proficiency therein, and we ask, and the request seems to us reasonable and just, that the professors be placed on the same footing, at least, as their colleague the instructor of tactics.

For all of the above reasons we therefore pray that section thirteen of the act of July 15, 1870, be so amended as to read as follows, viz:

"*And be it further enacted*, That the professors of the United States Military Academy, whose service in the Army and at the Academy exceeds ten years, shall have the pay and allowances of colonel of engineers, and all other professors shall have the pay and allowances of lieutenant colonel of engineers, and hereafter there shall be allowed and paid to the said professors ten per centum of their current yearly pay for each and every term of five years' service: *Provided*, That such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing, as regards retirement from active service, as officers of the Army."

GEO. L. ANDREWS,
Professor of French, and
Brevet Major General United States Volunteers.
PETER S. MICHIE,
Professor of Natural and Experimental Philosophy, and
Brevet Brigadier General United States Volunteers.
J. B. WHEELER,
Professor of Engineering, and
Brevet Colonel United States Volunteers.
JNO. FORSYTH, DD., LL.D.,
Chaplain, and Professor of Law and Ethics.

See recapitulation inclosed.

P. S. MICHIE,
Professor of Philosophy.

The professorships at the Military Academy have always been regarded as positions of great importance. The reputation that the Military Academy has enjoyed heretofore for thoroughness of instruction is due to the high character and attainments of its faculty.

On account of its connection with the Army, the professors have always been graded as officers of the Army. They are commissioned by the President, and confirmed by the Senate as professors, but Congress fixes their rank and pay.

The instructor of tactics, who is commandant of cadets, has the rank and pay of lieutenant colonel of engineers by virtue of section two, act of 1858, no matter whether he be a lieutenant, captain, or major, in the Army. He is, as stated in the memorial, with rare exceptions, the junior in age, in experience, in instruction, and in graduation, and proficiency in his department requires less study and less intellectual training than any other department of instruction at the Academy.

The rank of lieutenant colonel is sufficiently low for any gentleman possessing these qualifications which would cause him to be selected by the President for such a position.

By amending the act as we wish the expenditure is increased but a trifle above that which occurred after the passage of the act. At that

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time five of the eight professors drew pay as colonels, two as lieutenant colonels, one as major. By the act, if amended, five will draw colonel's pay, and three will draw lieutenant colonel's pay, making an increase simply in the difference between the pay of a lieutenant colonel and major.

The bill when passed provided sufficiently well for the professors, but its provisions bear rather hardly on their successors, causing them to serve a long period before attaining that grade which we think ought to be given on appointment.

Of the four professors, your petitioners, one will have to serve nine years, two nearly eighteen years, and one twenty-five years to reach the grade of lieutenant colonel. It is probable that but one of the four will reach that position, and possibly two may. In the future, cases of like servitude will arise unless appointments are confined to those who have passed in the public service their youth and middle age, and have reached the declining period of life.

If, in the judgment of the Military Committee, it is thought proper to refer the matter to the Secretary of War for his opinion, we will cheerfully submit to his decision.

I have the honor to submit the above recapitulation of our case to the consideration of the Military Committee of the House.

Very respectfully,

PETER S. MICHIE,
Professor of Natural and Experimental Philosophy.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 267.

LIGHT-HOUSE AT NEW HAVEN HARBOR.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of March 20, 1872, relative to removing the light-house at New Haven Harbor to Southwest Ledge.

APRIL 18, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., April 17, 1872.

SIR: In accordance with the resolution of the House of Representatives of 20th March last, upon motion of Hon. S. W. Kellogg, I have the honor to transmit a report of the Light-House Board relative to the expediency of removing the light-house at New Haven Harbor, Connecticut, from its present position to Southwest Ledge, together with the papers marked A, B, C, D, E, and F covered by, and referred to in, said report.

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary.

Hon. J. G. BLAINE,
Speaker House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 16, 1872.

SIR: In answer to your letter of the 23d March, transmitting resolution of the House of Representatives relative to removing the light-house at New Haven Harbor to Southwest Ledge, I have the honor to say that the board has received from the local officers of the third light-house district, viz, Brevet Brigadier General I. C. Woodruff, engineer, and Commodore J. H. Strong, inspector, letters concerning the project, of which the inclosed are copies. Please also to find, herewith, a copy of a letter from General Warren, the engineer officer in charge of the improvement, under the War Department, of the rivers and harbors in that district, and a chart of New Haven Harbor. It will be seen from

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these papers that Southwest Ledge lies in the middle of the main ship-channel into New Haven Harbor, and forms a great danger to navigation; that there are but seven feet six inches of water on the rock at mean low water; that the question is between a removal of the rock by the War Department and the erection by the board of a light and fog-signal to keep vessels from running upon it and other dangerous rocks in the vicinity. The main light at the entrance is now at Five-Mile Point, on the mainland on the east side of the harbor, and distant one mile from and inside of Southwest Ledge. It was established in 1805, and last refitted in 1855. There is no doubt but that a light in the channel on this ledge would serve the interests of navigation better than the present light, and that it and a fog-signal also placed on the rock would be of more benefit to commerce than the removal of the ledge, since vessels could always run for the light and keep clear of all the many dangers to navigation which, it will be observed, exist at the entrance to New Haven Harbor.

A light-house at Southwest Ledge would involve a very large expense on account of its submarine foundation, and the strength which would be required to resist the large fields of ice by which it would be assailed. The expense is estimated at $117,800.

The resolution of the House of Representatives is herewith returned, with the papers, of which the following is a list, and which it is hoped will furnish the information desired:

1st. Letter from the light-house engineer of the third district, marked A.

2d. Letter from the light-house inspector of the third district, marked B.

3d. Letter from General Warren, Corps of Engineers, who is charged, under the War Department, with the improvement of the harbors on Long Island Sound, marked C.

4th. Letter from the Secretary of War, in answer to a resolution of the House relative to the improvement of New Haven Harbor and Housatonic River, Connecticut, dated the 12th of February, 1872, being Executive Document No. 137, House of Representatives, Forty-second Congress, 2d session, marked D.

5th. Letter from the Secretary of War, in answer to a resolution of the House of March 20, relative to removing the light-house at New Haven Harbor, Connecticut, to Southwest Ledge, dated April 2, 1872, being Executive Document No. 237, House of Representatives, Forty-second Congress, 2d session, marked E.

6th. Chart of New Haven Harbor, marked F.

Very respectfully,

JOSEPH HENRY,
Chairman.

Hon. GEORGE S. BOUTWELL,
Secretary of the Treasury.

A.

OFFICE OF LIGHT-HOUSE ENGINEER THIRD DISTRICT,
Tompkinsville, Staten Island, N. Y., April 9, 1872.

SIR: In obedience to your instructions of the 25th ultimo, relative to the proposed transfer of the New Haven Harbor light from its present position to Southwest Ledge, near the entrance of the harbor, a resolution of inquiry having been introduced into the House of Representatives by the Hon. Mr. Kellogg as to its advisability, a copy

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of which accompanies your letter of instructions, I beg leave to submit the following report:

The numerous ledges and isolated rocks at the entrance of this harbor render the approach thereto hazardous, and no system of range-lights could be devised to serve the purpose of marking each ledge or the channel-ways between them. The removal of the ledge, also allnded to in your letter of instructions as an alternative, would be attended with excessive cost, an estimate for which would be vague at the best, and the removal of other ledges and rocks would be equally necessary.

The only effectual and economical remedy would seem to be to erect a light on Southwest Ledge, the most prominent ledge in the channel-way, and to discontinue the present light.

The fog-bell at the present station does not fulfill its purposes as a reliable guide for entering, owing to its feebleness and its distance from the dangers. If it were placed on the Southwest Ledge, vessels could shape their course toward the signal and the harbor be made with certainty.

General G. K. Warren, Corps of Engineers, who has made, under the order of the Chief of Engineers, minute surveys at the entrance of the harbor with the view to its improvement, has kindly, on my application for them, furnished tracings of the entrance, showing the location of the ledges and contour of the Southwest Ledge; the latter is indispensable, as, without the information supplied thereby, it would be impossible to submit so promptly an accurate estimate of the cost of a suitable structure upon the ledge called for in your letter of instructions.

I beg leave to acknowledge herein the valuable assistance rendered me by General Warren by this contribution of the results of his surveys.

After a study of this subject, I am of the opinion that it is practicable to erect on Southwest Ledge a solid piece of granite, fifty feet in diameter, in an average depth of ten feet at mean low water. The entire height of the pier is proposed to be twenty-nine feet; surmounting the pier, a dwelling for keeper and assistant keeper, three stories in height, tower and lantern over dwelling. The focal plane of the light may be fixed at sixty-two feet above mean low water.

The lens of fourth order now in use at New Haven light is quite adequate for the locality, as the adjacent lights on Faulkner's Island and Stratford Points are distant about twelve miles on either side. A fog-signal of proper power should be adopted. The estimated cost of a structure of the kind described is, taking the bids for Race Rock light-house as a basis, $117,800.

I transmit herewith copies of the tracings of the entrance of the harbor, and of the contour of Southwest Ledge, which were furnished by General Warren, and a tracing of the proposed light-house on the ledge in elevation only.

Very respectfully, your obedient servant,

I. C. WOODRUFF,
Lieutenant Colonel of Engineers, Engineer Third Light-House District.

Prof. JOSEPH HENRY, LL. D.,
Chairman Light-House Board.

B.

OFFICE OF LIGHT-HOUSE INSPECTOR THIRD DISTRICT,
No. 16 Broadway, New York, April 8, 1872.

SIR: In compliance with instructions of the board, dated 25th ultimo, directing me to investigate and report as to the advisability of transferring the New Haven Harbor light to the southwest ledge, so called, near the entrance to said harbor, I visited, on the 2d instant, the present light-house and the Southwest Ledge, or site of the proposed transfer; and from personal observation, embracing, as I think, all the circumstances affecting the case, I have reached these conclusions—

1. At the first establishment of a light to guide into New Haven Harbor the Southwest Ledge would have been a preferrable location to the site of the present light-house.

2. The transfer of the light would involve the necessity of building a new light-house, and all the necessary adjuncts; in a word, to transfer means the erection of a new station, and the extinction of the old one.

3. The estimated cost of building a light-station for the exhibition of a fourth-order light on the so-called Southwest Ledge, where the bottom is of rock, 8 feet of water at low tide, and a rise and fall of from 4 to 5 feet, is $117,800.

The question of probable cost being one for the consideration of the engineer of the district, I submitted it to General Woodruff, who furnished me with the figures given, his estimate being as follows, viz, $117,800.

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A light on the Southwest Ledge would be a better guide for vessels in the sound, and for entering the harbor, for small craft, using at night the passages east of the ledge, and would extend the range of the fog-signal.

Against these advantages is the heavy expense of the undertaking, which is a matter for the consideration of the board, to whom I respectfully submit it.

I have the honor to be, sir, your obedient servant,

J. H. STRONG,
Commodore U. S. N., Light-House Inspector 3d District.

Professor JOSEPH HENRY, LL.D.,
Chairman Light-House Board, Washington, D. C.

C.

ENGINEER OFFICE, UNITED STATES ARMY,
Newport, Rhode Island, March 27, 1872.

SIR: I have the honor to submit the following report in regard to the expediency of removing the light-house at the entrance to New Haven Harbor, Connecticut from its present position to Southwest Ledge.

I would recommend that the change be made for the following reasons:

1. In approaching the harbor from the eastward the light is not visible until nearly abreast of it, being shut out by woods. In coming from the westward the light is so situated as to render its position very deceptive, making it appear nearer than it really is; many vessels ground on the west shore flats from this cause.

2. If the light-house was on the ledge, vessels could run for it until it was close aboard, then haul to the northward, pass to the westward of the light, and head up the harbor directly for the fired red light on long wharf, thus following the line of best water up the harbor, avoiding all rocks and shoals. The light-house would also serve as an excellent channel-mark, by day as well as by night. In consequence of the present position of the light, it is necessary to run by bearings and estimated distances, thus rendering dangerous the entrance to the harbor.

3. The woods in the vicinity of the present light-house so deaden the sound of the fog-bell that in those fogs accompanied by a southerly breeze it is impossible to hear the bell more than 600 or 700 feet, except when directly abreast—to the westward of the light. This would be obviated by placing the light-house upon the ledge, besides thus greatly improving the entrance to the harbor itself; the position of the light on Southwest Ledge would be about one mile farther out in the sound, and would furnish an excellent object for vessels passing along the sound to steer by and correct their position in thick weather. New Haven Harbor is much used as a harbor of refuge, and should the light-house be placed on Southwest Ledge, vessels whose captains were not acquainted with the harbor could readily find refuge.

The nearest lights are Falkland Island light, 12 miles to the eastward, and Stratford light, about 12 miles to westward. Every reason that occurs to me justifies the removal of the light-house to Southwest Ledge. Five-Mile Point should be reserved as a site for a fort. Southwest Ledge has now over it at mean low water 7.5 feet, and is composed of granitic rock. The contours of the rock on a scale of 10 feet to one inch are shown on a tracing I sent you with my report of December 23, 1871. (H. Ex. Doc. No. 137.) I return herewith the copy of the resolution sent me.

Yours, respectfully,

G. K. WARREN,
Major Engineers, and Brevet Major General, U. S. A.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

ENGINEER OFFICE, UNITED STATES ARMY,
Newport, Rhode Island, March 28, 1872.

MAJOR: I have received your communication of the 26th in relation to the light-house at New Haven Harbor.

I inclose you a copy of my report concerning it, made to the Chief of Engineers yesterday.

All the maps are in the Chief Engineer's office at Washington.

I also inclose you a printed copy of my report on New Haven Harbor, giving the cost of removing the Southwest Ledge, and those ledges contiguous to it called B and C and Middle Rock. This estimate is given on page 3, and the amount is $88,700. This I

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consider a low estimate. I cannot estimate the cost of the light-house, because I do not know what kind of a light this should be, to be in harmony with the system already established. The water around the ledge is about 22 to 25 feet deep at mean low water, the bottom being hard sand. The ledge has over it at mean low water 7.5 feet. The areas of the horizontal curves, at different depths down to 17 feet, are given on page 9 of the printed report, in the columns nearest the bottom. The rock is granite.

From these data and the contour map you can readily estimate the cost of building such a light as the place requires. I wish, however, to be clearly understood as saying that the greater certainty and security in entering the harbor which would result from the changing of the light from Five-Mile Point to Southwest Ledge would justify the entire expenditure of doing it, independent of what might be saved in the removal of the ledges. These advantages are fully stated in my report to the Chief of Engineers, of which a manuscript copy is inclosed.

Yours respectfully,

G. K. WARREN,
Major of Engineers, Brevet Major General U. S. Army.

Major GEORGE H. ELLIOTT, *United States Engineers,*
Engineer Secretary Light-House Board, Washington, D. C.

D.

NEW HAVEN HARBOR AND HOUSATONIC RIVER.

Letter from the Secretary of War, in answer to a resolution of the House relative to the improvement of New Haven Harbor and Housatonic River, Connecticut.—February 14, 1872, *referred to the Committee on Commerce and ordered to be printed.*

WAR DEPARTMENT, *February* 12, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, in response to a resolution calling for them, reports of Major G. K. Warren, United States Engineers, on the improvements of New Haven Harbor and Housatonic River, Connecticut, and accompanying papers, made since the last annual report of the Secretary of War, and dated, respectively, December 23, 1871, and January 20, 1872.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 8, 1872.

SIR: In compliance with the following resolution of the House of Representatives, viz: "That the Secretary of War be requested to transmit to this House a copy of the reports of General G. K. Warren, the engineer in charge of the improvements of New Haven Harbor and Housatonic River, Connecticut, with the accompanying papers, that have been made to or filed in the Department since the last published report of the Secretary of War," I beg leave to transmit copies of the reports of General Warren on the improvements referred to, dated, respectively, December 23, 1871, and January 20, 1872.

The resolution is herewith returned.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

ENGINEER OFFICE UNITED STATES ARMY,
Newport, Rhode Island, December 23, 1871.

GENERAL: I have the honor to submit a report on the operations of improving the harbor of New Haven, Connecticut, during the season just closed.

The condition of these works at the date of my annual report, August 31, is given in your printed annual report of this year, pp. 85 and 768, 769, 770, 771. At that time a large part of the necessary surveys had been made and contracts entered into for removing the rocky ledges at the entrance and for dredging from Black Buoy No. 5 up

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to the city wharves. As then stated, the contractors were at their work and making satisfactory progress.

Morris & Cummings, the contractors for the dredging, commenced work on the 10th of July, and completed their contract on the 31st of October. During this time they dredged from the channel and removed outside of the harbor 153,718 cubic yards of material, mostly a clayey mud. In my previous report I stated there were but 7½ feet in the channel at mean low water, but this was a mistake; there were about 9 feet at mean low water. The new channel was excavated so as to make 13 feet depth at mean low water, which is the depth on the bar opposite Fort Hale, and thus vessels of any draught that could cross this bar can proceed directly to the walls without lightering.

The dredged channel is 200 feet wide from the 13-foot curve up to Long Wharf, a distance of 3,125 feet. There the channel makes a bend, and was widened to 350 feet up to the canal dock, a distance of 750 feet; there to the steamboat dock, a distance of 2,125 feet, the channel was made 100 feet wide. The wharf-owners have since begun to dredge around their piers, thus still further adding facilities to commerce.

In my previous report I stated that I considered no more dredging was necessary, and I would now qualify it by saying no more in this part of the harbor. But there is a great demand for an increase of depth over the bar at Fort Hale, so that vessels of heavy draught arriving there may not have to wait for the tide in order to pass at once into the inner harbor. Once inside of this bar there is deep water and excellent anchorage, which latter feature is wanting outside of the bar. Many persons think that simple dredging is all that is required to secure this increased depth on the bar, which is composed of fine sand and has remained unchanged since the earliest surveys were made. I cannot agree with those who think so, as I believe there is an almost constant movement of this sand westward, across the mouth of the harbor, and that the present depth is merely the result of an equilibrium of the action of the waves on the one hand in moving the sand toward the shore, and the action of the tidal current on the other, sweeping it out again. If this equilibrium is disturbed by dredging a channel, the cut will be filled again in the same way as the drifting snows fill up a railroad cut. But there is this difference, that in excavating the channel we may increase the force of the tidal currents so that the cut will be kept open, and this, it is claimed, will be the case by those advocating the dredging.

There is enough reason in this to give dredging a trial, and it is the more justifiable as there does not seem to be any other more promising method to pursue. The distance between the curves of 16 feet depth at mean low water on the outside and inside of this bar or shoal is about 5,000 feet, and it will require an average cut 2 feet in depth to give a draught of 16 feet over it. It is estimated that a channel 200 feet wide would require the removal of about 75,000 cubic yards, at a cost of 35 cents per cubic yard, amounting to $26,250. I have limited the depth to 16 feet at mean low water, as that will afford nearly all the benefit now wanted, and to get a greater depth would require a very large amount of work.

It may be that jettees along the shore to arrest the motion of the sand may be of service in keeping open the dredged channel, and this will be considered in the future prosecution of the work. The channel already dredged between Black Buoy No. 5 and the wharves is in no danger of silting up again.

Mr. Sullivan, the contractor for removing the submerged ledges of rock, began work on the 1st of August on Luddington Rock, and continued at work until September 30, when he ceased, on account of the increasing inclemency of the season. In the two months he removed 126.8 cubic yards. He will resume work at this rock as early next season as the weather will permit. There remain 695 cubic yards to be removed.

The complete survey of the rocks at the entrance, which we made the past season, enables us now to present a definite project for their removal; and this differs considerably from anything heretofore reported on this subject.

The work was originally begun in 1852 and 1853 by Mr. Maillefert on Middle Rock, because it was thought that it furnished a favorable case for trying his method of surface-blasts. This method, however, failed, and under the contract the experimenter received no pay. The appropriation of $6,000 remained nearly all unexpended until 1867, when Mr. Townsend was employed by the day to operate with his drill and ordinary blasts upon it. From some cause, Mr. Townsend reported much success, and he claimed to have removed so much of the rock as to make 14 feet of water upon it, while before there were but 10 feet. Misled by this account, I, in 1870, employed him to work again upon Middle Rock. I soon became dissatisfied with the progress he was making, and began to distrust the accuracy of the statement of the success he had before reported. A survey of the rock revealed the fact that there were still only 10 feet of water on the rock, the same as it was at first. This disagreeable result was confirmed by a thorough and careful survey made again this summer. I did not resume work upon it.

It has been recommended to remove not only Middle Rock, but the Southwest Ledge also, and the two rocks between them, called B and C by Captain Dutton, and we have

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carefully surveyed them all. The amount of rock to come away before there will be 17 feet at mean low water on all these ledges just referred to is: Middle Rock, 818 cubic yards; Rock B, 141 cubic yards; Rock C, 624 cubic yards; Southwest Ledge, 1,964 cubic yards; all together 3,548 cubic yards, which, at $25 per yard, would cost $88,700. The distance from the Southwest Ledge to Middle Rock is 1,020 feet. It is thought by many that the entrance to the harbor would be benefited by erecting a light-house on the Southwest Ledge, which has 7½ feet of water on it at mean low water. In that case it is thought that Middle Rock, and the intermediate shoal points B and C, need not be removed.

The principal entrance to New Haven is not on the side of the Southwest Ledge (east side) on which Middle Rock stands, but on the west side, and in the midst of this west channel stands Luddington Rock, with a depth on it at mean low water of about 10 feet. Vessels beating out and in the harbor pass on both sides of it, and it is very much in the way. I therefore directed work to be begun upon it.

In the channel east of the Southwest Ledge there is, however, a dangerous rock, first located by our survey, but known by the fishermen as the Big Boil. This rock has but 7 feet on it at mean low water, and should be removed. The amount of rock above the 17-foot curve is about 587 cubic yards, which, at $25 per yard, would cost $14,675.

To finish the work in the harbor, which I think it advisable to do at the present time, (besides the light-house for Southwest Ledge,) will require as follows:

To complete the removal of Luddington Rock, 695 cubic yards, at $25 per yard	$17,375 00
To remove Big Boil Rock, 587 cubic yards, at $25	14,675 00
To dredge a channel 200 feet wide to a depth of 16 feet across the shoal near Fort Hale, 75,000 cubic yards, at 35 cents	26,250 00
For superintendence	3,700 00
Total	62,000 00

During the past year the expenditures have been as follows:

For surveys, making maps, and superintendence	$7,218 43
To Morris & Cummings, for dredging	26,150 33
To Eugene Sullivan, for work on Luddington Rock	3,107 36
Total	36,476 12

The amount appropriated by the act approved March 3, 1871, was	$40,000 00
On hand at the beginning of the year of former appropriation	9,093 04
Total	49,093 04

Leaving the balance of the last appropriation still unexpended, $12,616.92.

It therefore appears that the additional appropriation required will be about $50,000.

In my annual report I recommended an additional appropriation of $20,000 for the ensuing year, but this was made without taking into consideration the improvement of the depth on the shoal near Fort Hale.

Accompanying this report is a tracing from the unfinished map of the new survey, showing the dredging done during the past season; also a tracing showing the correct locations of the rocky ledges at the entrance to the harbor; also six tracings showing the contours of these rocks, and one sheet of sections of Luddington Rock; also a report of Mr. Mann, who has had charge of the survey and superintendence of the improvement, which contains much information not given in my report, and is a valuable record for future reference. The map of the harbor is being prepared, and is in an advanced stage.

Mr. Mann has been assisted all the time by Mr. C. R. Mather, and part of the time by Mr. H. N. Babcock. The energy, thoroughness, and completeness of the work commend these young men to all interested in their professional pursuits, and who desire to see a faithful execution of a public trust.

Very respectfully, your obedient servant,

G. K. WARREN,
Major of Engineers and Brevet Major General, U. S. A.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, United States Army, Washington, D. C.

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ENGINEER OFFICE, UNITED STATES ARMY,
Newport, Rhode Island, December 23, 1871.

GENERAL: I have the honor to submit report of operations at New Haven Harbor, Connecticut, during the present year. In accordance with your instructions, I left Newport on March 16, accompanied by Mr. Charles R. Mather, civil engineer. Operations were commenced on March 17 by the locating of tide-gauges at Long Wharf and Chapel Street Bridge, the gauge at Chapel Street Bridge being placed on the east side of the guard-piling of the draw-pier of the bridge; the gauge at Long Wharf being placed in a corner between the freight-house at the end of the dock and the east end of the dock. Simultaneous tide observations were commenced at these points on March 18, being taken every ten minutes between high and low water, and every five minutes for thirty minutes before and after high and low water. These gauges were observed until March 31, when simultaneous observations were commenced at Chapel Street Bridge, Long Wharf, Fort Hale, and Five-Mile Point. Tables of these observations are annexed to this report. At Long Wharf, Fort Hale, and Five-Mile Point, box-gauges of the form shown in the annexed diagram were put up, this being rendered necessary by the prevalence of southwest winds, which make the water too rough for accurate reading upon a staff-gauge. The tide-gauge at Fort Hale was placed on the east side of the Chemical Works dock, and that at Five-Mile Point on the north side of a dock belonging to W. H. Clark, esq. Observations were taken at all four gauges until April 15. On the 14th, 15th, and 17th, levels were run to connect the planes of reference as marked on the different gauges, and bench-marks put in as follows.

Bench-mark 1 consists of a copper bolt 6 inches long, ¾ inch diameter, and 1½ inches across, the head leaded into a large circular stone on the southeast corner of a passage-way through the west end of Long Wharf, about 60 feet east of P. P. Avery's store. The stone is level with the roadway, the bench-mark being in the south side of the upper face. The head of the bolt is 10.233 feet above the plane of mean low water as determined at the tide station at Long Wharf.

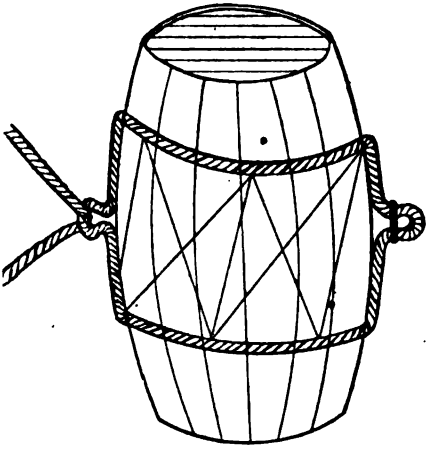
Bench-mark 2 consists of a copper bolt leaded in the northwest corner of the upper face of the northwest stone in the second course from the top of the east abutment of the draw-span of the Chapel Street Bridge; the stone forms a projecting corner, the bench-mark being inserted about 5 inches from its northwest corner on a line running southeast. The bench-mark is 9.631 feet above plane of mean low water as determined at the tide station at Chapel Street Bridge.

Bench-mark 3 is a copper bolt leaded in the upper face, at the southwest corner, of the west stone of the north side of the sluice-way at the southwest corner of Fort Hale and on a line running northeast from corner of said stone. The bench-mark is 11.919 feet above the plane of mean low water as determined at the tidal station at Fort Hale. (at Chemical Works dock.)

Bench-mark 4 is a copper bolt leaded into the second stone from the north edge of the southwest face of the water-table of the New Haven light-house; the bolt is about 4 inches from the upper edge of the stone, the head being flush with its face and notched thus ⊕. The horizontal notch is 20.866 feet above the plane of mean low water, as determined at the tidal station on dock belonging to W. H. Clark, esq. At the two last stations, as the observations extended over only half a lunation, mean low water was determined by subtracting one-half of the mean rise and fall of the tide (spring, the observations extending over a period of high tides,) taken from United States Coast Survey records from the height of the mean sea-level. At the other stations the mean of the low waters for a lunation determined the plane of mean low water. I also found that the tide-gauge used during the survey of Middle Rock in 1870 was put up by Mr. R. M. Bache, of the United States Coast Survey, and observed for a month, and that his mean low water, as used by me in 1870, differed but 0.05 foot from that of 1871. On April 19 I examined the channel below Long Wharf, with the dredge shown in the diagram, for the purpose of determining the character of the bottom and the depth at mean low water. I found that the bottom consisted of soft mud, mixed occasionally with broken shells, but in no place was anything struck approaching the consistency of hard mud. Soundings commencing at Long Wharf and extending to 13-foot curve, near Black Buoy No. 5, gave a mean depth of 9 feet at mean low water. No oyster-beds were struck, nor any considerable accumulation of shells, and the statement of pilots in regard to the existence of any well-defined bar between Long Wharf and Black Buoy No. 5 were conclusively shown to be erroneous. On the 17th, 18th, 19th, and 20th of April, primary triangulation stations, consisting of poles 25 feet long and 2 by 3 inches, having large red flags at top, and supporting tripods, were erected at the following prominent points in the harbor below the bridge: A, near east end of Tomlinson's Bridge; A, on Belle Dock; B, opposite Long Wharf on east shore; B, on end of Long Wharf; C, at Fort Hale; C, on Oyster Point; D, at light-house; D, on Sandy Point; E, on Brister's hill, on west side of harbor, back of Savin Rock. The base line A B was also measured and found to be 2,396.5 feet in length. On the 21st, 22d, and 24th, the angles of the primary triangulation were measured by the Troughton & Simms theodolite, reading to 10″, each angle being taken three times. The

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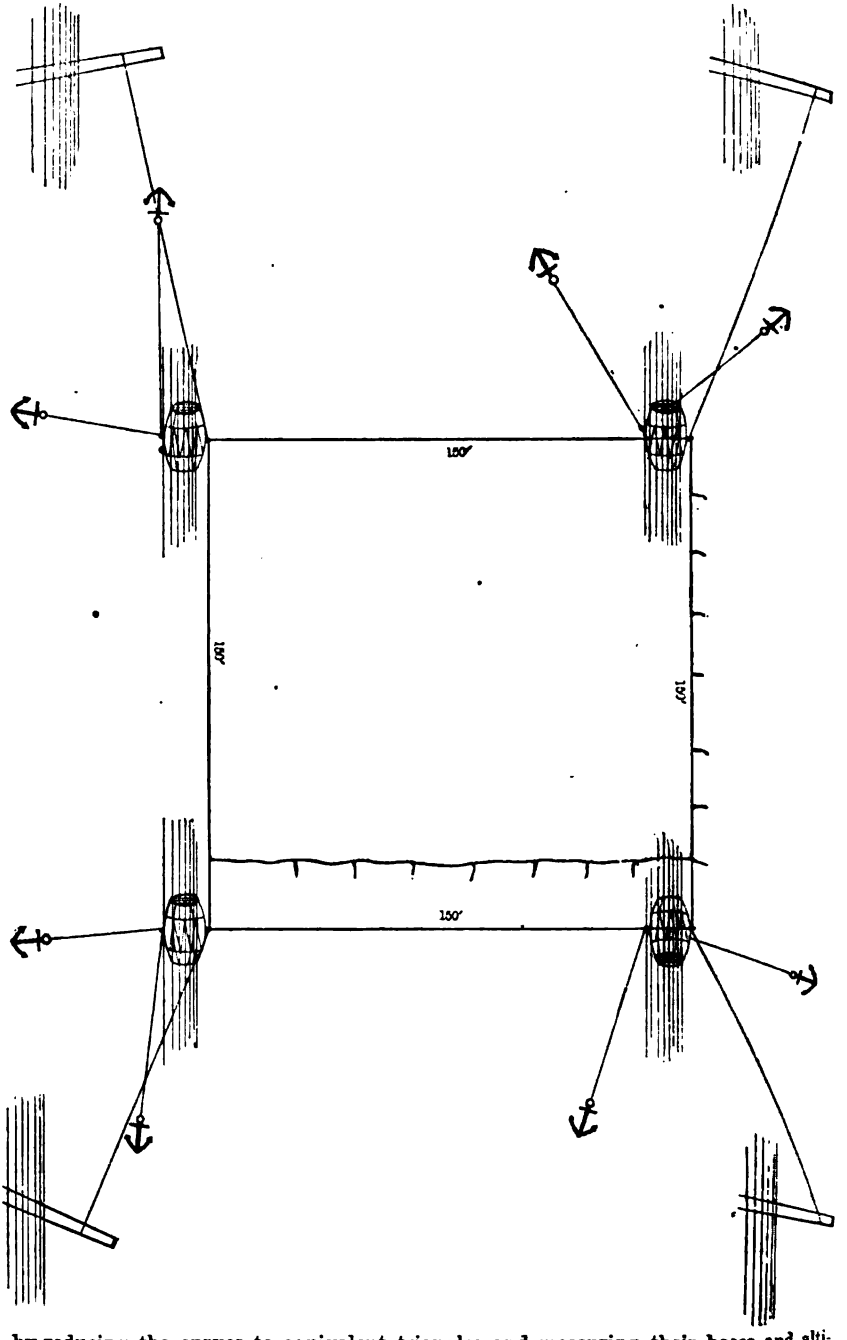
variation of the sum of the angles of any triangle from 180° in no case exceeded 25″. These angles have been corrected by ordinary method, founded on method of least squares, and the sides of the triangles computed. The traversing of the shore-line was commenced on April 25, at north end of base, and was completed on May 6, being run to the light-house on the east shore, and to a point just below Savin Rock, on the west shore, and connected at every principal station with the primary triangulation. A limited topographical survey was made in connection with the traversing by Mr. Charles R. Mather, civil engineer. The total distance traveled was 52,000 feet; the stations were marked as follows: 1 A, 2 A, &c., running south from north end of base 1 B, 2 B, &c., from some point north and west. On May 8 a survey of the openings of the sea-wall at Fort Hale was made to determine the amount of repairs required. On May 9 preparations were made to commence sounding, and on the 10th it was begun at Tomlinson's Bridge, and concluded on May 20, extending to a point opposite the middle of Morris's Cove. About 2,600 soundings were located by two transits, the lines being run zigzag and taken so as to determine changes of level, the pole used in less than 20 feet of water being kept on the bottom most of the time. A system of signaling by red and white flags was adopted, and the numbers of soundings checked at the end of each line; in case of soundings being lost by instrument, which was very rarely, the line was re-run. While sounding, the gauge at Long Wharf was read every 15 minutes, and the soundings reduced to mean low water by these observations, the time being taken in the boat every 5 minutes. Several lines of soundings were located, radiating from Long Wharf, so as to determine the axis of the channel, which was found to coincide very nearly with a line from Long Wharf to Black Buoy No. 5. The soundings were completed to the entrance of the harbor in the fall. This will be referred to in its proper chronological order. On May 22, 23, 24, and 25, buoys, ropes, &c., for the surveys of the rocks at the entrance to the harbor were prepared and taken out to Middle Rock and placed in position for the survey of that rock. On the 27th a complete survey of Middle Rock was made, including those parts necessarily omitted in 1870, in the following manner: Four kerosene-oil barrels were strapped, as shown in the diagram, and provided with two 100-foot anchor warps each. These buoys were arranged in the form of a square, as in the diagram, (see next page,) and were connected by rope 150 feet long, passing through and fastened to an eye formed of the bight of the rope on the barrel inclosing an iron thimble. These ropes were marked at every 5 feet by strips of red bunting inserted between the strands. The angles of the square were laid off with a sextant and the buoys held in place by anchors, and also by being strung up to the span-buoys left after operations in 1870, so that any displacement was impossible. The survey was made about the time of slack water, as nothing could be done at the strength of the tide. The survey was commenced at the northeast end of the rock, the north side of the square being taken as the base from which all the lines were run, the bearing of the base being south 80° east, (mag.) Soundings were taken at every 5 feet along the lines running north and south, the sections being 10 feet apart. During the survey the gauge at Five-Mile Point was read, the soundings, 370 in number, being reduced to mean low water by these observations. The soundings were taken with a pole 31 feet long, having feet and half-feet branded upon it, as I have found that a painted pole is of little use in salt-water. The lower end of the pole consisted of an iron rod 6 feet long and ¼ inch diameter, fastened thus: By keeping this constantly on the bottom no promi nent inequality can escape notice. I also sounded thoroughly around the rock, to ascertain if I had been mistaken in stating that there was no broken rock left there in 1867 by Mr. G. W. Townsend, but found that my former statement was entirely correct. A map of Middle Rock has been made on a scale of 5 feet to the inch, the contours being drawn at every foot, 12 and 18 foot contours heavy, and the line of proposed excavation (17 feet below mean low water) in blue. The map is different in some minor respects from those made from the survey of 1870, but is more correct, as in 1870 the water was very rough, while in 1871 it was almost a dead calm during the entire survey. I find the least depth of water on the rock to be 10.4 feet at mean low water in 1871,





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and 10.0 in 1870. This difference is undoubtedly due to the difficulty of taking exact soundings in 1870. The survey of 1871 included that portion of the rock lying to the south, which was omitted in 1870. I give a comparison of the areas of the curves (below plane of mean low water) from the two surveys, these areas being completed



by reducing the curves to equivalent triangles and measuring their bases and altitudes. The difference of the areas of the lower corresponding curves results from

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the introduction of the south part of the rock, which is quite flat, and which did not appear in the survey of 1870, but is entirely included in that of 1871.

Area.

Curve.	1870.	1871.
Feet.	*Square feet.*	*Square feet.*
11	358.88	573.64
12	1,282.66	1,168.11
13	2,243.5	2,468.062
14	3,315.5	3,826.827
15	3,647.5	4,930.900
16	4,894.0	5,851.552
17	6,036.89	6,804.9125

The volume has been computed by two methods: 1st. From horizontal sections at every foot of vertical height, (the areas being given above,) by the prismoidal formula. For instance, assuming 11 and 13 foot curves as upper and lower bases, and 12 foot as middle base, there results the volumes between the 11 and 13 foot curves, thus:

$$\text{Vol.} = \tfrac{2}{6}\left\{(11) \;\&\; 4\;(12) + (13)\right\}$$

and in like manner for the other curves, by this method. I find for the volume above the 17-foot curve 809.32. 2d. By vertical sections whose areas are determined directly from the reduced soundings, by the application of Simpson's rule, thus: subtract each reduced sounding from 17 feet, then the area of each vertical section will be as follows:

$$\text{Area} = \frac{\text{Distance between soundings}}{3}\,(\text{1st height} \;\&\; 4 \times \text{even heights} + 2 \times \text{odd heights} + \text{last height.})$$

In this way I find for the areas at the following distance from east end of base:

Section. *Feet.*	Area. *Sq. ft.*	Section. *Feet.*	Area. *Sq. ft.*
15	0.	70	316.8
20	76.6	80	319.3
30	225.2	90	204.6
40	241.3	100	115.2
50	364.2	110	12.8
60	371.6	115	0.

The volume was then computed from these areas by the prismoidal formula, and found to be 826.6 cubic yards. The most probable volume of the rock is then the mean of these results, or 817.96 cubic yards above the 17-foot curve, (below mean low water.) Comparing this with the result of the survey in 1871, and with that computed from Captain Dutton's areas from his survey in 1853, I have the following volumes:

	Cubic yards.
1853	768.36
1870	728.38
1871	817.96

The discrepancy may seem large, but the greater accuracy of this year's survey, and the more favorable conditions under which it was made, would lead me to adopt the volume deduced from it in any subsequent estimates, more especially as the volume given in Captain Dutton's report as deduced from his areas was really double the amount actually corresponding to the area, which, of course, does not tend to strengthen faith in the correctness of the areas themselves. The depth of water on the sand about Middle Rock is 22.5 feet at mean low water on the north side, and 23.6 feet on the south side. The survey in 1870 gave 22.3 and 23.3, this being additional proof of the general accuracy of the depths taken then, and further proof, if any be needed, that Mr. Townsend's plane of low water when 15 feet was found by him on the shoalest point of the rock must have had its origin in his imagination. All the rocks at the entrance to the harbor appear to have deeper water on the south than on the north side, probably due

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to their checking the silt, &c., brought down by the strong ebb tide. During the week ending June 3 several attempts were made to survey Southwest Ledge, but without success, as southwest winds made it too rough for work. A heavy fog each day prevented other out-door work. On June 5 I surveyed Southwest Ledge by the checker-board method, the barrels being arranged as follows: The base, 365 feet long, and bearing north 33° east, made an angle with the side of the parallelogram of 85°, the side being 200 feet in length. The angles were measured with a sextant. The base and the side parallel were marked at the 10-foot points by red bunting tags, and a line marked at every 10 feet was stretched from one to the other, and moved along 10 feet at a time, so that soundings were taken at the corners of parallelograms 10 feet by 10 feet. The buoys were placed at slack water, and so arranged that the ebb tide ran in the direction of the lines of soundings. Each buoy was held by two anchors with long warps hauled taut, so that swaying was possible during the ebb. A boat was anchored at the middle of the base to prevent swaying and sagging. The soundings were taken by allowing the boat to drop down with the tide along the line stretched from the base to the side parallel with it. After crossing it, (the parallel side,) the line was secured to it and soundings taken as before. During the survey the gauge at Five-Mile Point was read, and the sounding reduced to mean low water from the observations. About 450 soundings were taken. When the survey was nearly completed it commenced to blow from the south-southeast, so that the last two lines of soundings were taken 20 feet apart. During the survey the spindle-socket which formerly held a large spindle was struck and located; it is about 1 foot across, and has over it at extreme low water not more than 3 feet of water; it should be removed, or the spindle replaced, as it is very dangerous to light-draught vessels. A map of Southwest Ledge has been made to a scale of 10 feet to the inch, contours drawn at every foot of vertical height, the same colors being adopted for the curves as in the map of Middle Rock. The least water over the ledge at mean low water is 7.5 feet. This is $\frac{5}{10}$ foot more water than is shown on the United States Coast Survey chart. The ledge is about 310 by 250 feet, the longer direction being northwest and southeast; it is very jagged, being full of crevices. I have computed the volume by vertical and horizontal sections, as in Middle Rock. By vertical sections I have taken sections at noted distances from north end of base. By Simpson's rule:

Section. *Feet.*	Area. *Sq. Feet.*	Section. *Feet.*	Area. *Sq. Feet.*
97	.0	190	592.6
100	2.0	200	502.6
110	37.9	210	485.6
120	92.8	220	394.7
130	165.0	230	277.0
140	336.8	240	219.4
150	473.6	250	143.5
160	514.0	260	58.3
170	518.9	270	29.6
180	635.9	280	1.0

Then by prismoidal formula for the volume above the 17-foot curve (below mean low water) is 1,997.36 cubic yards. By horizontal sections the following results are given for areas of curves below mean low water:

Curve. *Feet.*	Area. *Sq. Feet.*	Curve. *Feet.*	Area. *Sq. Feet.*
8	149.64	13	6,116.88
9	585.90	14	7,845.45
10	1,195.20	15	9,843.92
11	2,848.25	16	12,086.87
12	4.364.58	17	15,062.14

Then by prismoidal formula the volume = 1,931.44 cubic yards, or, taking the mean of the two results, 1,964.40 cubic yards, for the volume of the ledge above the 17-foot curve (below mean low water.) Until June 14 the time was occupied in dragging for the rock known as Luddington's Rock, the position of which was not marked by any buoy, and as I afterward found, was incorrectly located on the United States Coast Survey map. On the 14th I found Luddington's Rock, also two rocks between Southwest Ledge and Middle Rock, known as Tortoise and Ragged Rocks, B and C in Captain Dutton's report, and a rock not marked on any chart, known as the Big Boil, (named from the tide-rip over it at certain stages of the tide,) lying about one-fourth mile south-southwest of Quixe's Ledge spindle, and having over it about seven feet at mean low water. I found ranges for all these rocks, so that I could drop a lead on them without any previous soundings, and marked the Big Boil with a small barrel-buoy, as the tide ran so swiftly there that it was somewhat difficult to strike the shoalest water on it. I was somewhat surprised to find less than 10 feet at low water on Luddington's Rock, instead of 12.5, as shown on the charts. Big Boil Rock lies directly in the entrance to the east-

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ern channel of the harbor, and is a very formidable obstruction; B and C have over them at mean low water about 13 and 11.5 feet respectively. Luddington's Rock is a large rock, at least 150 by 100 feet, instead of a small peaked rock, as I was informed last year by the harbor pilots. I also sounded on Old Head Reef, about half-way between Quixe's Ledge and Adam's Fall, finding on it about 9 feet at low water; as the Coast Survey map gives 6, I presume I did not strike the highest point. As it is not in the channel, I did not spend any more time on it, the only object being to know where it was. The following ranges were noted for Luddington's Rock: Quixe's Ledge spindle is on range with the south edge of the only large white house on the "South End;" the north edge of two brown cottages on the beach, just north of Savin Rock, is on range with the spire of the southernmost of the two churches in West Haven; these cottages being at the high water are readily distinguished, as they are the only ones so situated. The Big Boil is on range of Quixe's Ledge spindle with bluff at mouth of Morris Creek, and on the range of the end of the woods on Morgan's Point, with the west edge of white house behind them to the north.

On June 16 I surveyed Luddington's Rock by checker-board method, the base-line being 225 feet long, and bearing north; the side-lines were 200 feet long, and were inclined to the base at an angle of 61° 30′, this angle being taken with the sextant. The side-lines were as nearly as possible in the direction of tidal current, so that the sounding-boat could drop down with it. The sections were 10 feet apart, soundings being taken every 5 feet along them, beginning at the northwest corner of the parallelogram, the sections running from northwest to southeast, while the axis of the rock was from northeast to southwest. The base was prevented from sagging by a boat anchored at its middle. Three hundred soundings were taken, being reduced to mean low water by observations at Five-Mile Point. A map has been made of Luddington's Rock, on a scale of 5 feet to 1 inch, contours 1 foot apart; 12-foot contour heavy; 16-foot contour, line of proposed excavation. The rock is about 150 by 100 feet, the longer axis northeast and southwest. The rock is very jagged, rising in some places quite abruptly, and affords excellent opportunities for face or surface blasts. There is on the highest point 9.8 feet at mean low water, and on the surrounding sand 16 to 17 feet at mean low water. The rock consists of two portions, connected by a narrow ridge; this ridge is not shown on the map, as its existence was first discovered by the diver; I afterward examined it myself, and found it to be quite small.

Luddington's Rock is a much better locality to work in than Middle Rock, as the velocity of the tide is less, thus making it smoother in the southwest winds. The volume of the rock has been computed by horizontal and vertical sections, as follows:

1. By horizontal sections:

Curves.	Area of larger part, sq. feet.	Area of small part, sq. feet.	Curves.	Area of larger part, sq. feet.	Area of small part, sq. feet.
10	14.30		14	5,113.10	182.
11	527.56		15	6,842.76	551.49
12	1,424.80		16	8,147.72	1,260.32
13	2,944.80	8.021			

BY PRISMOIDAL FORMULA.

Volume of, (1)	cubic yards..	760.609
Volume of, (2)	do.....	47.589
Total volume	do.....	808.198

2. By vertical sections from north end of base:

Section.	Areas.	Section.	Areas.	Section.	Areas.
Feet.	*Sq. feet.*	*Feet.*	*Sq. feet.*	*Feet.*	*Sq. feet.*
0	11.2	55	125.3	115	305.8
5	1.2	65	168.9	125	214.9
10	11.0	75	223.0	135	230.1
15	17.9	85	255.8	145	138.6
25	43.5	95	255.1	155	64.7
35	71.7	105	305.5	165	21.7
45	121.1				

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The areas being found by Simpson's rule, the distance between the sections taken perpendicular to them being 10 × sin 61° 30′; then, using prismoidal formula, volume = 835.94 cubic yards; the mean of the two results being 822.069 cubic yards. There has also been made a map on a scale of 5 feet to the inch, showing vertical sections along lines of soundings of Luddington's Rock at distances of 75, 85, 95, 105, 115, 125 feet from north end of base. In this map the blue line represents plane of mean low water; heavy red line, plane of proposed excavation; black figures show amount (depth) to be removed at given points; and red figures show reduced soundings at those points. In this map the sand gulley in the rock is shown. On June 19, Ragged Rock, or C, was surveyed by checker-board method. The base, bearing south 42° west, was 190 feet long. The sections were 10 feet apart and made an angle with the base of 118° 33′, soundings being taken at every 5 feet along these sections for a distance of 220 feet. The rock is very jagged, there being several ridges upon it not more than a foot across and rising 5 or 6 feet above the surrounding rock, and having over them from 11.5 to 13.5 feet at mean low water. The sounding-pole was kept upon the bottom between all the soundings, and the position and extent of any marked inequality thus determined. Captain Dutton could not have struck these ridges, as he gives the least depth on the rock at 13 feet. Soundings were taken on the southwest side only to the depth of 20 feet, on account of the approach of darkness. There has been made two maps of Ragged Rock, one on a scale of 5 feet to the inch; in this the contours are at every foot 12 and 18 foot curves, heavy; 17-foot curves, (line of proposed excavation,) in blue. The shoalest point on the rock is 11.4 feet below mean low water, at Five-Mile Point, to which plane of reference were reduced the 640 soundings taken on the rock. The rock is about 210 by 160 feet, the axis being from northwest to southeast, (at 20-foot curve.) From appearances it is much cracked and fissured. Another map has also been made on a scale of 2 feet to the inch; from this it will be seen that there are four ridges having over them at mean low water 12.6, 13.2, 12.5, and 13.5 feet, and that to remove them to 17 feet below mean low water (blue line) would require the removal of but little rock, while the main portion of the rock is quite extensive. The volume of the rock has been computed by both methods. By horizontal sections the following results have been obtained:

Curves. *Feet.*		Areas *Square feet.*
12		13[illegible]
13	Second ridge	1.9[illegible]
	Third ridge	2.50
	Main curve	726.5[illegible]
14	First ridge	1.9[illegible]
	Second ridge	3.26
	Third ridge	10.70
	Fourth ridge	1.10
	Main curve	1,92[illegible].56
15	First ridge	12.75
	Second ridge	8.10
	Third ridge	17.80
	Fourth ridge	3.50
	Main curve	4,372.32
16	First ridge	29.95
	Second ridge	17.84
	Third ridge	26.45
	Fourth ridge	[illegible].50
	Main curve	5,865.15
17	Second ridge	27.45
	Fourth ridge	8.75
	Main curve	8,553.21

Then, by the prismoidal formula, volume of that portion of the rock separate from the ridges = 623 cubic yards; volume of ridges = 8.84 cubic yards, or total volume of rock above 17-foot curve (below mean low-water) = 631.84 cubic yards.

By vertical sections, at noted distances from end of base, the following results have been obtained:

Sections. *Feet.*	Areas. *Sq. feet.*	Sections. *Feet.*	Areas *Sq. feet.*
50	2.0	120	34.[illegible]
60	25.3	130	25.[illegible]
70	79.9	140	9[illegible].[illegible]
80	119.2	150	64
90	252.4	160	[illegible].4
100	300.9	169	0
110	320.0		

Areas by Simpson's rule; then by prismoidal formula. Volume above 17-foot curve

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617 cubic yards, the mean of the two results giving for most probable volume of the rock above 17-foot curve, (below mean low water,) 624.42 cubic yards. On June 20, Rock B, or Tortoise Rock, was surveyed. The base was 80 feet long, bearing north 20° east, the lines of sounding being included to it at an angle of 61° 54′, and being 5 feet apart, running southeast to northwest, soundings 5 feet apart commencing at southeast end. The south side of the rock below the 17-foot curve was not obtained in consequence of wind. As this is, however, quite uniform, the other contours were introduced without any difficulty. The rock is very smooth and rounded on the top. Three hundred and ninety soundings were taken and reduced to mean low water at Five-Mile Point. A map has been made of this rock on a scale of 5 feet to the inch, curves as in other rocks. The highest point on the rock is 12.9 feet below mean low water. The rock is about 100 by 60 feet axis northwest and southeast. The computations for areas and volumes give by the two methods the following results:

By horizontal sections—

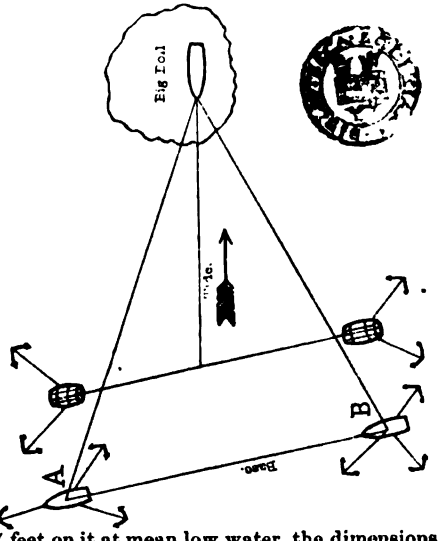
Curves. *Feet.*	Areas. *Sq. feet.*	Curves. *Feet.*	Areas. *Sq. feet.*
13	2.632	16	1,544.032
14	199.47	17	2,706.595
15	787.695		

Then, by prismoidal formula, volume = 138.99 cubic yards.

By vertical sections, the areas being found by the application of Simpson's rule, sections at noted distance from south end of base:

Sections. *Feet.*	Areas. *Sq. feet.*	Sections. *Feet.*	Areas. *Sq. feet.*
0	1.3	35	63.7
5	57.7	40	41.3
10	114.2	45	42.5
15	143.4	50	34.0
20	137.3	55	30.4
25	107.0	59	0.
30	101.6		

Then, by prismoidal formula, volume = 142.3 cubic yards, the mean volume above 17-foot curve (below mean low water) being 140.645 cubic yards. In order to preserve the connection, I will mention next the survey of the Big Boil, although it was not made until October 30, 1871. On the survey I was assisted by Mr. Charles R. Mather, civil engineer, and Mr. H. N. Babcock, civil engineer. The survey was made as shown in the diagram.



Boats were anchored at A and B, and their positions located by sextant angles between the following prominent objects: Light-house and Quixe's Ledge spindle; light-house and West Haven spire; these points being located on the principal survey as hereafter mentioned, the distances being calculated as well as the angles. From these data the length and bearing of the base have been calculated as follows: Length of base, 482.2 feet, bearing south 22° 2′ 8″ east, (true.) Two barrels were anchored between the base and the rock, and connected by a line, to which was attached another line to hold the sounding-boat in place while the soundings were being taken, this being necessary owing to the velocity of the tide. The soundings were then located from the ends of the base by sextant angles between sounding-boat and base. About 80 were taken and reduced to mean low water at Five-Mile Point. A map of this rock has been made on a scale of 5 feet to the inch, the soundings being platted from computed distances from the end of the base. The rock has 7 feet on it at mean low water, the dimensions at the 17-foot curve being about 110 by 80, the axis northeast and southeast. The areas and volume of the rock by horizontal sections have been computed and are given. Curves below mean low water, 17 feet.

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Curved plane of proposed excavation—

Curve. Feet.	Area. Sq. feet.	Curve. Feet.	Area Sq. feet
8	47.73	13	1,313.13
9	231.58	14	2,171.39
10	486.11	15	3,004.4
11	714.12	16	4,175.5
12	971.35	17	5,539.6

Then, by prismoidal formula, volume above 17-foot curve, 586.71 cubic yards. On June 22, the rock at the entrance to the harbor, and the buoys in the harbor, were located by the theodolite. The shoalest point of each rock was located, the observer's stations being at the light-house station, (D,) and at the station on Brister's Hill. From this date until the dredging commenced, on July 10, the party was occupied in shipping Government property from Fort Hale, in measuring dredge-scows, and preparing for the dredging. Mr. Mather, as a mean of six observations, found the bearing of the base of the survey to be south 13° 58′ 55″ west, (mag.,) and, assisted by him, I ascertained, from a mean of seven observations, that the magnetic variation was 70° 22′ west. From July 10 until October 16, we were occupied by the dredging and removal of Luddington's Rock, Mr. Charles R. Mather, civil engineer, superintending the dredging. Mr. H. N. Babcock, civil engineer, joined us on July 26, and has been engaged principally in working up notes, mapping, &c. In accordance with your instructions, I commenced, on July 26, a series of simultaneous observations at Long Wharf and Fort Hale, for the purpose of ascertaining whether the discrepancies shown in the following table were due to the irregularities of the tide, or to defects in the gauges employed. These observations were continued until August 9, and established the fact that the former peculiarities were due to the tide, not to the gauges. (Five-Mile Point agrees very well with Long Wharf.)

Date.	Height of high water.		Difference.
	Fort Hale.	Five-Mile Point.	
	Feet.	*Feet.*	*Fe*
March 31	5.29	5.79	.5
April 1	5.49	5.94	.4
April 3	7.14	7.49	.3
April 4	6.54	7.19	.6
April 6	6.04	7.00	.9
April 7	5.84	6.80	.9
April 8	6.14	6.39	.2
April 9	6.74	6.59	.1
April 10	6.04	6.24	.2
April 11	6.74	6.69	.0
April 12	5.79	6.09	.3
April 13	5.84	6.09	.2
April 14	6.04	6.29	.2
April 15	6.14	6.49	.3

On October 16, in accordance with your instructions, I commenced a survey of the Mill and Quinnipiac Rivers, above Tomlinson's bridge, and extending to the Grand-street bridge on the Mill River and to the Fair Haven bridge on the Quinnipiac River, the limits of navigation on both rivers. Primary triangulation stations were located on the 16th, and the base-line taken on Chapel-street bridge, its length being 914.5 feet and bearing south 84° 56′ 02″ east, (mag.,) or north 87° 41′ 58″ east, (true.) On October 17 and 18 the angles of the primary triangulation were measured, each being read to 10″ three times on a different part of the plate. These angles have been corrected and the triangles computed. On October 19, a number of stations between Fort Hale and the light-house were replaced for use on the completion of the soundings to the entrance of the harbor. On October 21, about 100 soundings were located below the ending of the work in the spring; the gauge at Five-Mile Point was read, and the soundings reduced to mean low water at that point. From October 23 to 31, ran the shore-line of the Mill and Quinnipiac Rivers for a distance of 21,000 feet, a limited topographical survey being made in connection with the traversing by Mr. Charles R. Mather, civil engineer. On October 30 the Big Boil was surveyed, as before described. November 2, the soundings at entrance to the harbor were completed

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about 185 soundings being taken, and reduced to mean low water at Five-Mile Point. November 3, the place beyond the rocks, at the entrance to the harbor, was surveyed in the manner described under the head of dredging, it having been used as a dumping-ground. On November 4 the survey of 1871 was connected with the United States Coast Survey, by observations with the theodolite, stations B and C of the primary triangulation being used, and sights taken to light-house, West Haven spire, and southwest spire of Episcopal Church at corner of Olive and Chapel streets, New Haven. On November 8 commenced sounding Mill and Quinnipiac Rivers, locating soundings by two transits. This work was completed on November 16, 1,250 soundings having been taken, and reduced to mean low water at Chapel-street bridge. The channel dredged in 1871 was surveyed on November 17 and November 18. On November 27, operations being concluded for the year, Messrs. Babcock and Mather and myself returned to Newport. In addition to the maps already mentioned, there are prepared, or being prepared, the following: Map on a scale of $\frac{1}{2500}$, showing channel before and after dredging in 1871, (described under head of "Dredging;") map of the whole harbor, now preparing, on a scale of $\frac{1}{5000}$; sketch showing monthly progress of dredging. The following are to be made: Map of Mill and Quinnipiac Rivers, scale undetermined; map of dumping-ground, and comparison with United States Coast Survey map. The large map has the triangulation and traversing completed, the rocks located, and most of the soundings platted, so that the soundings yet remain to be completed, the shore-line and topography put in, and contours drawn. This will probably be done by January 20; until this time complete plans of the improvement of the bar below Fort Hale will have to be deferred, as there are so many circumstances affecting the deposition of sand in the sound harbors that any improvement of sand-bars in them can only be proposed after a careful investigation of the causes leading to their formation.

DREDGING.

From an examination of the channel made in the spring I determined, with your approval, to commence the dredging at the 13-foot curve, below mean low water, about 200 feet north of Black Buoy No. 5, and to make the west edge of the channel coincide with a line drawn from Black Buoy No. 5 to the end of Long Wharf. Morris & Cummings's dredge No. 2 arrived on July 3, and commenced making preparations for the work. At this time two scows, marked ○ and ⊕, were with the dredge. These were measured and found to contain 197.2 and 197.1 cubic yards respectively, and to draw about six feet when loaded. On July 10 the dredging was commenced at the point before determined, and as but little was to be taken off, the digging was done only at every other catch, the dredge making a cut fifty feet wide, and the bucket used holding three yards when flush with the top, and five yards when loaded up to the opening-wheel. For the first few days the progress was slow on account of the small number of scows, but on July 12 the tug Stephen Decatur arrived with two more scows, marked 1 and 2, and holding 202.5 and 199.4 cubic yards. Mr. Charles R. Mather, civil engineer, had previously been placed as superintendent of the dredging, in accordance with your instructions. The plan of dredging adopted was to run up on one cut until the back hawser, 700 feet in length, had been payed out; the dredge then dropped down to the point of beginning, and began another cut alongside of the former one, the average amount removed per day being about 1,600 yards, 2,400 yards being taken out on one day. The mud was dumped beyond Southwest Ledge, in 26 feet of water at low water, the locality being shown on the large map of the harbor. When a point about 1,000 feet from Black Buoy No. 5 was reached, it became necessary to dig at every catch, and sometimes to send the bucket down twice in the same place, the depth being regulated by tin figures placed upon the guide-poles of the buckets, and by board tide-gauges $0'^{0}$ at mean low water placed along at intervals as the work progressed. During July there were removed 28,697 cubic yards, about 2,100 feet of the first cut having been dug to 13 feet at mean low water, and about 1,400 of the second, and the same of the third to a corresponding depth. This progress is shown in red on the sketch showing progress of excavation. Before commencing work on July 10 I sent the following notice to the New Haven papers: "The engineer in charge of the harbor improvements wishes to have the steamers 'slow up' when they pass the anchor-lines at the dredge, as the motion of the waves is injurious to the machinery, and the wheels of the steamers are apt to cut the lines. A channel is being dug 200 feet wide and 13 feet deep at low water from Black Buoy No. 5 to Long Wharf." I expected I should have no further trouble in regard to the matter, and was somewhat surprised when informed by Mr. Mather that no attention was paid to this request. I then went twice to the office of the company, and made verbal requests that the steamers "slow up," but without effect. We were put to considerable inconvenience, as sometimes half an hour was lost by the steamer passing at full speed, as the speed had to be raised and the anchor-lines slacked, while the swell caused almost invariably washed into the fresh-water tank. I then wrote to the captains of the steamers requesting them to "slow up," officially informing them of the inconvenience they were putting us to, but without any succcess. On

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the night of August 4 the steamer Continental, Captain Bowns, ran into the dredge, fortunately striking her in the middle of the stern, for, as the hull is composed of two boats, if either had been struck she would have instantly sunk, or the boiler being struck would have been ruptured or exploded. Knowing that there was abundance of room for the steamer to pass on either side, that the dredge had a light up at the time, and that the general disposition of steamer captains was not to avoid vessels lying at anchor, I was led to think that the steamboat-men were reckless, and disregarded the public work, besides endangering the lives of the passengers and of those on the dredge. I therefore addressed a communication to the newspapers of New Haven, calling public attention to what appeared to me to be reprehensible in the extreme. The work was delayed several hours by the collision and repairs, and I presume that quite extensive repairs will have to be made when the dredge is laid up, as she was much weakened by the shock, the bow of the steamer going into the stern of the dredge about seven feet, and breaking like a pipe-stem a 12-inch by 12-inch beam. During August the three cuts were completed to the north end of Long Wharf, 47,908 cubic yards being removed, making the channel 150 feet wide and 13 feet deep at mean low water; this is shown in green on the sketch. In September, as the appropriation warranted, a fourth cut was commenced at Black Buoy 5, at the point of commencing of the former cut, and continued to north end of Long Wharf, making the channel 200 feet wide; the dredge then commenced to widen the channel between Long Wharf and Canal Dock, making it 350 feet wide. This was rendered necessary by the curve in the channel, and from the fact that numerous vessels use it as an anchorage ground while waiting for berths at Long Wharf and Canal Dock. This opening up was completed in September, with the exception of a small portion above the south end of Canal Dock. The work for this month amounted to 42,895 cubic yards, shown in orange on the sketch. In October the channel to the steamboat dock, 13 feet deep at mean low water, and 100 feet wide, was dug thus: the east edge was run on range of Fair Haven church spire and end of peaked roof of freight-house on Old Beele Dock, the second cut being parallel to and west of the first. When about 300 feet north of north end of Canal Dock cuts were commenced running downward from a line from west edge of channel to end of dock, so as to cut off the corner between the wide and the narrow channel. The dredge then hauled back to the channel, and completed the dredging to the steamboat dock on October 31, having taken out in ninety-eight days 772 scow-loads, 153,817 cubic yards; having been laid up but two whole days on account of break-downs—one when the spud broke from the effects of a heavy gale, and the other spent in replacing friction-clutches—so that in ninety-six working days 153,817 cubic yards were removed, or 1,600 cubic yards per day, which rate has, I believe, never been exceeded for so extended a period of time, although for a single day Morris & Cummings have with one dredge taken out 3,600 cubic yards. The contractors are deserving of favorable mention for the manner in which they performed the work, and their strict adherence to the directions of the superintendent, Mr. Mather, from whose careful attention has resulted the successful prosecution of the work. On November 17 and 18 a survey was made of the channel dredged in the following manner: Buoys were anchored on the edge of the channel for convenience in sounding, and lines of soundings run across the channel, both edges being located by two transits, intermediate soundings being taken at equal intervals across the channel. Other lines were also run down the channel to ascertain if any shoal spots existed. The soundings were reduced to mean low water at Long Wharf. A map has been made of the channel on a scale of $\frac{1}{2000}$, before and after dredging. In this the green line represents 6-foot curve, broken black lines 9-foot curves, full red line 12-foot curve, before dredging; broken line (red) the channel as dredged; black figures, soundings before dredging; red figures, soundings after dredging. It will be seen that in no case is there less than 12.5 feet in the dredged channel, and then only on lumps so small that the sounding lead would scarcely rest upon them, and which would be knocked over by anything striking them. From this survey, then, the following conclusions may be drawn: a channel 200 feet wide and 13 feet deep at mean low water has been dredged from Black Buoy No. 5 to Long Wharf, a channel of same depth 350 feet wide from Long Wharf to Canal Dock, and one 100 feet wide from Canal Dock to Steamboat Dock. As a result of this several vessels drawing from 13 to 19 feet have gone up to the dock without previous lightering, and numerous others, drawing from 9 to 13 feet, have been towed up without waiting for the tide as heretofore. A survey of the dumping-ground was made November 3, the soundings being located by two sextants, and reduced to mean low water at Five-Mile Point; eighty soundings were taken, and showed no perceptible diminution of depth. A map of this will be made, and a comparison of the depths with those in the United States Coast Survey, for the purpose of ascertaining to what extent the dumping has affected the bottom.

REMOVAL OF LUDDINGTON'S ROCK.

Work was commenced on Luddington's Rock first, for the reason that it was a more formidable obstruction than Middle Rock, lying as it does directly in the west channel of the harbor, having only 9.8 feet over it at mean low water, and having been

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struck several times by vessels, which were badly injured, while Midddle Rock has never been struck. Mr. Eugene Sullivan's blasting sloop arrived at New Haven on July 29, and, after placing dualine and powder in the magazine at mouth of Morris Creek, on the 31st the mooring-stones were taken aboard from Long Wharf, and on August 1 the sloop went out to Luddington's Rock. Upon sounding I found that the H. S. buoy placed on the rock by the tender Putnam, belonging to the Light-House Board, was on the highest point of the rock. On the 1st and 2d the mooring-stones and buoys were put down so that the vessel could be moored with the tide west-northwest and east-southeast. The divers reported the rock to be covered with rock-weed and the water to be very thick, the limit of vision being about a foot. Operations commenced on August 3, by the use of surface and face blasts of dualine and powder, about eight tons of rock being taken up. First deck-load of stone, amounting to forty-six and one-half tons, was discharged on August 8, having been removed entirely by face and surface blasts; the work commencing on the west side of the sand-gulley and progressing westward. To remove this amount of rock (21.21 cubic yards) were required 100 pounds of dualine and 265 pounds of powder, this being at the rate of two pounds of dualine and four pounds of powder for every ton of rock. As there were four and one-half working-days, the amount removed per day was ten tons. This large increase over the rate last year from the same kind of blasting is due to the superior convenience of Mr. Sullivan's vessel, and more especially to the competency of himself and assistant diver. I made three determinations of the specific gravity of the rock, and found it to be 2.599; weight of a cubic yard, 4,385.61 pounds. The method of weighing will be alluded to hereafter. The next deck-load of stone was discharged on August 17, and consisted of 44½ tons, and was removed by face and surface blasts of 140 pounds of dualine and 400 pounds of powder, being three and one-fifth pounds of dualine and nine pounds of powder per ton. During this time there were five and one-half working-days—rock being removed at the rate of eight tons per day. Finding that surface and face blasts removed the rock too slowly, Mr. Sullivan put in order his Burleigh drill, worked by steam from the hoisting-engine on deck. This drill was mounted on an iron tripod 23 feet long, weighing over a ton, and having adjustable legs to adapt it to the inequalities in the rock—the drill being secured in a joint which allowed it to drill at any angle within the triangle formed by the tripod legs. Mr. Sullivan was well supplied with drills, (having forty in all, of various lengths,) the edges being ×-shaped. He also had a portable forge and an experienced man to sharpen the drills, so that no time was lost in replacing a dull drill. The Burleigh drill worked as well as could be expected, when running under water, and having a drill-shaft 20 feet long to lift; frequently drilling 7 feet an hour, running time. When it is stated that in the operations at Middle Rock last year, the best progress made by Townsend's drill was 8 inches in an hour, but little further comment will be necessary on the relative rapidity of removing rock in 1870 and 1871. On August 31, a deck-load of stone was discharged of 27½ tons. Five holes—total depth, 15 feet—had been drilled, and 60 pounds of dualine and 212 pounds of powder exploded, or 2¼ pounds of dualine and 8 pounds of powder per ton. There were seven working-days during this time, stone being removed at the rate of 4 tons per day; much time being lost owing to wind. Much difficulty was experienced in working the drill, as the boiler was not large enough to keep up steam, the drill requiring 80 pounds at least, on account of the heavy shaft. During September four deck-loads of stone of 49 tons 1,740 pounds, 36 tons 1,890 pounds, 51 tons 955 pounds, and 20 tons 1,820 pounds, respectively, were discharged, the weight being determined as follows: by the courtesy of the superintendent of New Haven and Northampton Railroad, Mr. Yeomans, I was enabled to weigh the second load upon the scales of the company. The vessel had previously been marked before leaving Boston, and before and after unloading the marks were taken. At this time the marks showed 34½ tons; then for other loads, actual weight $= \text{weight by marks} \times \frac{37\frac{1}{4}}{34\frac{1}{2}}$.

The total amount removed during September was 159 tons 405 pounds, or 72.77 cubic yards; number of working-days twenty-one, or 7¾ tons per day; 623 pounds of powder and 217 pounds of dualine being used, or 4 pounds of powder and 1¼ pounds of dualine per ton. Five holes were drilled to a total depth of 21.3 feet, at the rate of 7.1 feet per hour, running time. Operations for the year were closed on September 30, there having been removed from the rock in thirty-eight working-days 267 tons 1,405 pounds of rock, or 126.85 cubic yards, or at the rate of 7 tons per day, by the expenditure of 1,426 pounds of powder and 549 pounds of dualine, or 2 pounds of dualine and 5¼ pounds powder per ton. With a larger boiler the work would proceed faster; and as Mr. Sullivan proposes having one in the spring, there is no reason why the work should not progress with a satisfactory degree of rapidity.

FUTURE IMPROVEMENT.

Taking into consideration the relative positions of the rocks at the entrance to the harbor, I would suggest that no further work be done at Middle Rock, for the following

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reasons: 1st. That the removal of Middle Rock would be of no advantage, except in connection with the removal of B, C, and Southwest Ledge, as the distance between them is so small that unless all were removed the channel would not be materially widened. 2d. Middle Rock is not in either channel, but on one side of East Channel, in which there is more water than would be obtained by its removal, while the Big Boil lies directly in the channel, and has been struck several times by vessels, as it is not laid down upon any chart. I would therefore recommend the removal of the Big Boil and the continuance of the operations for the removal of Luddington's Rock. I submit the following estimate for the removal of Big Boil to 17 feet below mean low water, and for the completion of the removal of Luddington's Rock to 16 feet below mean low water:

To remove Big Boil, 586.71 cubic yards, at $25	$14,667 75
To remove Luddington's Rock, 695.02 cubic yards, at $25	17,375 50
To remove both rocks	32,043 25

The removal of these rocks with the same degree of rapidity as that taken out by Mr. Sullivan this year will require three hundred and eighty-five working-days, but with increased boiler-room, so that the drill can be properly worked, there is no reason why this rate should not be doubled, especially as the Big Boil is well adapted for blasting. I would also suggest the dredging of the sand-bar between Fort Hale and the light-house, but consider it is a subject requiring reflection, for unless the improvement is to be in some degree permanent, it will be worse than useless to prosecute it. If the sand in New Haven Harbor moves as in some of the sound harbors, a channel through the bar would not stay open a single season, and it is too expensive an undertaking to be commenced without a fuller knowledge of the tidal currents than we have at present. If the direction of the currents is nearly identical with that of the proposed channel, it would, I think, remain open, as the scour would be sufficient to prevent deposit, especially as Five-Mile Point forms a natural breakwater, protecting the inner harbor from the swell of a southeast storm, the only cause in addition to the tidal currents that would make an accumulation of sand. I would therefore suggest that sufficient current observations be made to determine velocity and direction of the tidal currents in the stratum of water next to the bottom, and that after having obtained the general direction of the ebb and flood currents, perforated boxes be so placed as to collect the sand, if any is in motion over the bar. That there is no deposit going on at present is evident from a comparison of the reduced soundings made in 1871 with those of the United States Coast Survey, so that the sand movement can only be detected by placing an obstacle in its path. In case these observations prove favorable, I submit the following estimate of the cost of dredging a channel 200 feet wide and 16 feet deep at mean low water through the bar. The average depth of dredging is about 2 feet, and distance to be dredged 5,000 feet, therefore amount to be excavated $= \frac{200 \times 5000 \times}{27}$ cubic yards $= 74{,}747.4$ cubic yards, which, at 35 cents, is $26,161.60. The material, being comparatively soft sand, could be dredged at this rate, especially as the dumping-ground is over two and one-half miles from the bar. The iron spindle-socket on Southwest Ledge should be removed, as it is a dangerous obstacle in the path of small vessels. This would require the expenditure of not over $100. The total amount required to prosecute the improvement would be as follows:

For removal of rocks	$32,043 25
For dredging bar	26,161 60
For removing spindle	100 00
For current observations	250 00
Total	58,554 85

The importance of the harbor will warrant this expenditure, as the city is the terminus of railroads supplying a large section of the interior, as will be seen by the annexed statistics of the commerce of New Haven. Numerous vessels, drawing from 16 to 19 feet, are delayed by waiting for the tide to cross the bar, while, if the bar was dredged and the channel buoyed, the harbor would become *the* refuge harbor on the sound.

I am, general, yours, very respectfully,

GEORGE H. MANN,
Civil Engineer.

Brevet Major General G. K. WARREN,
Major Engineers, United States Army.

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NEW HAVEN HARBOR.—*Tide observations at Chapel-street bridge.*

Mean sea-level, 4.932.

Date.	5.30 a. m.	5.40 a. m.	5.50 a. m.	6 a. m.	6.10 a. m.	6.20 a. m.	6.30 a. m.	6.40 a. m.	6.50 a. m.	7 a. m.	7.10 a. m.	7.20 a. m.	7.30 a. m.
March 18													
March 19													
March 20													
March 21													
March 22				1.75	.7	.65	.63	.62	.67	.7	.82	2.0	.23
March 23							1.35	.4	.45	.5	.6	.7	.8
March 24									1.32	.22	.07 .12	.10	.18
March 25											1.85	.75	.65
March 26													
March 27													
March 28													
March 29													
March 30													
March 31								7.4	.5 .48	.48	.4	.35	.3
April 1												7.47	.55
April 2													
April 3													
April 4													
April 5													
April 6													
April 7				1.25	.18	.07	.0	0.95	1.02	.2	.42	.65	.9
April 8										1.18	.1	.0	0.91
April 9													
April 10													
April 11													
April 12													
April 13													
April 14				7.49	.59	.75	.89	.98	8.09	.15	.21 .20	.20	.18
April 15													7.9

Date.	7.40 a. m.	7.50 a. m.	8 a. m.	8.10 a. m.	8.20 a. m.	8.30 a. m.	8.40 a. m.	8.50 a. m.	9 a. m.	9.10 a. m.	9.20 a. m.	9.30 a. m.	9.40 a. m.
March 18									8.1	.13	.20	.22	.26
March 19													
March 20													
March 21													
March 22	.60	.75	.9	3.1	.3	.5	.75	4.0	.3	.6	.8	.95	5.15
March 23	.95	2.1	.4	.6	.85	3.05	.20	.40	.67	.97	4.25	.5	.8
March 24	.20	.17	.15	.20	.28	.5	.8	2.0	.1	.25	.42	.65	.85
March 25	.55	.45	.35	.25	.25	.32	.45	.52	.6	.66	.76	.93	2.05
March 26			1.25	.22	.2	.1	.098 .0	.0	.05	.1	.1	.17	.3
March 27							5.1	.1	.1	.0	4.9	.9	.95
March 28													
March 29													
March 30													
March 31	.15	.0	6.9	.75	.6	.4	.3	.22	.12	5.9	.68	.43	.25
April 1	.65	.75 .72	.72	.7	.62	.6	.5	38	.3	.18	.7	6.97	.8
April 2				8.4	.47	.55	.65	.62	.57	.45			
April 3										9.28	.36	.46	.46
April 4													
April 5													
April 6													
April 7	2.08	.26	.43	.62	.86	3.01	.37	.65	.40	.33	.67	.9	5.17
April 8	.93	1.0	.2	.45	.7	.9	2.1	.32	.57	.82	3.05	.3	.55
April 9			1.38	.42	.49	.53	.55	.61	.8	.98	2.2	.45	.77
April 10					2.0	1.09	.79	.65	.62	.68	.69	.78	.85
April 11									3.2	.0	2.83	.71	.68
April 12													
April 13													
April 14	.08	7.96	.8	.68	.48	.35	.21	.0	6.85	.72	.4	.15	5.98
April 15	2.0	.1	.2	.28	.29	.27	.23	.05	7.89	.68	.50	.35	.22

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Tide observations at Chapel-street bridge—Continued.

Date.	9.50 a. m.	10 a. m.	10.10 a. m.	10.20 a. m.	10.30 a. m.	10.40 a. m.	10.50 a. m.	11 a. m.	11.10 a. m.	11.20 a. m.	11.30 a. m.	11.40 a. m.	11.50 a. m.
March 18	.20	.0	7.9										
March 19	8.05	.1	.2	.15	.1	.0	7.95	.8	.6	.4	.2	.0	6
March 20	.....	8.0	.1	.3	.4	.5	.6	.6	.5	.45	.35	.25	
March 21	.....	.....	.....	.....	8.7	.8	.9	9.0	.05	.17	.20	.1	
March 22	.45	.65	.85	6.05	.25	.45	.62	.8	.97	7.15	.30	.35	
March 23	5.0	.29	.57	.8	6.0	.02	.39	.6	.9	7.15	.4	.45	
March 24	3.05	.3	.5	.75	.95	4.15	.35	.65	.9	5.15	.25	.45	
March 25	.2	.4	.6	.7	.85	3.05	.2	.4	.5	.7	.87	4.06	
March 26	.45	.5	.8	2.0	.25	.45	.6	.8	3.0	.2	.3	.5	
March 27	5.1	.1	.15	.25	.30	.4	.55	.65	.7	.8	.9	6.05	
March 28	.....	2.68	.6	.53	.6	.66	.75	.8	.95	3.03	.18	.25	
March 29	.....	.....	.....	.....	2.3	.2	.2	.15	.2	.2	.15	.15	
March 30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2.6	.5	
March 31	.13	.0	4.9	.78	.02	.4	.23	.07	3.9	.7	.5	.21	
April 1	.65	.45	.32	.0	5.81	.6	.39	.02	.08	4.9	.72	.50	
April 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 3	.40	.32	.27	.10	8.95	.8	.6	.35	.1	7.87	.62	.49	
April 4	.....	8.9	.95	.98	.98	.9	.8	.63	.41	.2	.0	7.8	
April 5	.....	.....	.....	7.3	.4	.43	.43	.5	.45	.4	.4	.3	
April 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	8.66	.74	.72	
April 7	.47	.6	.86	6.15	.47	.77	.95	7.2	.48	.63	.8	.65	
April 8	.83	4.27	.5	.77	5.05	.3	.5	.7	.96	6.2	.43	.7	
April 9	.97	3.2	.4	.62	.85	4.12	.37	.63	.9	5.2	.46	.67	
April 10	.9	2.0	.13	.33	.65	.68	3.05	.28	.4	.61	.82	4.07	
April 11	.61	.57	.6	.69	.61	.6	.68	.69	.85	3.05	.2	.35	
April 12	.....	3.05	2.94	3.0	2.78	.7	.55	.37	.28	.2	.2	.34	
April 13	.....	.....	.....	.....	.....	.....	.....	.....	3.1	2.9	.74	.52	
April 14	.81	.6	.35	.15	4.97	.76	.59	.4	.2	.05	3.9	.13	
April 15	.07	6.85	.69	.38	.13	5.98	.79	.52	.30	.10	4.91	.2	

Date.	12 m.	12.10 p. m.	12.20 p. m.	12.30 p. m.	12.40 p. m.	12.50 p. m.	1 p. m.	1.10 p. m.	1.20 p. m.	1.30 p. m.	1.40 p. m.	1.50 p. m.	2 p. m.
March 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
March 19	.55	.3	5.95	.8	.6	.32	.1	4.8	.5	.3	.15	3.9	
March 20	7.9	.7	.5	.25	.0	6.75	.5	.2	.1	5.9	.7	.5	
March 21	.02	.0	8.8	.55	.37	.05	7.72	.55	.30	.0	6.9	.7	
March 22	.42	.45	.5	.47	.45	.15	.05	6.92	.75	.65	.46	.25	5
March 23	.72	.8	8.1	.15	.15	.30 .25	.26	.15	.20	.0	.....	.....	
March 24	.75	.95	6.2	.3	.45	.6	.75	.9	7.0	.1	.15	.05	
March 25	.4	.47	.55	.8	.93	5.15	.35	.4	.55	.67	.85	.2	
March 26	.95	4.15	.35	.55	.75	.95	5.05	.3	.45	.55	.65	.7	
March 27	.45	.55	.70	.75	.75	.8	.9	7.0	.1	.2	.25	.32	
March 28	.50	.60	.70	.82	4.0	.28	.46	.6	.74	.9	5.1	.25	
March 29	.3	.37	.45	.57	.62	.8	.95	3.1	.25	.47	.60	.73	
March 30	.57	.6	.55	.49	.5	.57	.62	.75	.8	.9	3.25	.3	
March 31	.08	.0	2.88	.78	.71	.67	.67	.67	.67	.68	.70	.75	
April 1	.27	.18	3.99	.75	.66	.59	.52	.43	.25	.1	2.98	.92	
April 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 3	.01	6.79	.51	.27	.0	5.72	.42	.19	.05	4.9	.67	.43	
April 4	.33	.1	6.9	.6	.33	.11	5.86	.6	.3	.01	4.8	.55	
April 5	.0	6.72	.55	.25	.0	5.76	.5	.25	.0	4.72	.5	.23	
April 6	.69	.7	.63	.5	.3	.07	7.86	.63	.40	.12	6.9	.7	
April 7	.21	.35	.5	.55	.6	.55	.45	.4	.....	.....	.....	.....	
April 8	7.12	.40	.59	.77	.9	8.0	.1	.25	.37	.37	.37	.30	
April 9	6.1	.35	.56	.80	7.1	.3	.4	.6	.77	8.07	.10	.2	
April 10	.52	.8	5.03	.3	.48	.6	.79	.92	6.27	.52	.8	.81	
April 11	.95	4.28	.48	.7	.88	5.1	.28	.48	.68	.8	6.05	.35	
April 12	.66	.85	.99	3.1	.19	.19	.33	.65	.9	4.17	.4	.6	
April 13	.35	.25	.15 .17	.16	.2	.26	.3	.34	.38	.5	.78	.92	3
April 14	.35	.2	.1	2.9	.77	.57	.4	.36	.39	.47	.49	.....	
April 15	.36	.12	3.92	.79	.60	.45	.27	.08	2.97	.82	.7	.59	

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Tide observations at Chapel-street bridge—Continued.

Date.	2.10 p. m.	2.20 p. m.	2.30 p. m.	2.40 p. m.	2.50 p. m.	3 p. m.	3.10 p. m.	3.20 p. m.	3.30 p. m.	3.40 p. m.	3.50 p. m.	4 p. m.	4.10 p. m.
March 18	.....	.....	2.1	1.95	.82	.7	.59	.6	.6	.5	.45	.55	.8
March 19	.5	.25	.05	2.9	.63	.4	.2	1.95	.75	.65	.6	.58	.55
March 20	4.95	.8	.5	.25	.1	3.85	.65	.45	.20	2.95	.8	.55	.4
March 21	.2	5.9	.55	.25	.0	4.75	.55	.35	.05	.0	3.85	.65	.45
March 22	.7	.5	.3	.05	4.8	.6	.35	.05	3.95	.75	.55	.35	.15
March 23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 24	.03	.03	6.9	.7	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 25	.9	.9	.85	.8	.75	.65	.45	.....	.....	.....	.....	.....	.....
March 26	6.1	.33	.35	.48	.48	.45	.45	.41	.35	.28	.....	.....	.....
March 27	.45	.42	.4	.47	.45	.53	.53	.44	.4	.23	.15	.....	.....
March 28	.55	.70	.85	6.1	.25	.4	.55	.7	.8	.85	.90	.95	7.0
March 29	4.1	.3	.5	.65	.8	.95	5.1	.2	.3	.47	.6	.75	.8
March 30	.49	.6	.8	.95	4.05	.2	.3	.47	.67	.85	5.15	.2	.37
March 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 1	3.02	.75	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 2	.....	3.01	2.9	.88	.92	.93	.92	.95	.99	3.02	.....	.....	.....
April 3	3.98	.78	.65	.5	.35	.19	.1	2.95	.83	.73	.7	.72	.78
April 4	.10	.0	3.8	.6	.4	.2	.0	2.8	.5	.3	.1	.0	1.9
April 5	.65	.40	.1	2.9	.72	.55	.28	.0	1.6	.5	.36	.25	.1
April 6	.2	5.95	.62	.32	.02	4.83	.5	.3	.01	3.82	.6	.32	.02
April 7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 9	.47 / .45	.45	.43	.42	.3	.....	.....	.....	.....	.....	.....	.....	.....
April 10	.28	.33	.68	.79	.9	.99	8.02	.02	.02	.0	7.9	.....	.....
April 11	.85	.95	7.2	.4	.5	.6	.84	8.01	.23	.27	.30	.45	.48
April 12	5.0	.2	.4	.6	.78	.91	6.11	.31	.4	.55	.72	7.03	.18
April 13	.31	.46	.69	.88	4.11	.30	.55	.77	.94	5.15	.4	.7	.88
April 14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 15	.47	.44	.41 / .44	.44	.49	.57	.....	.....	.....	.....	.....	.....	.....

Date.	4.20 p. m.	4.30 p. m.	4.40 p. m.	4.50 p. m.	5 p. m.	5.10 p. m.	5.20 p. m.	5.30 p. m.	5.40 p. m.	5.50 p. m.	6 p. m.	6.10 p. m.	6.20 p. m.
March 18	.9	.95	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 19	.50	.35	.3	.35	.5	.65	.....	.....	.....	.....	.....	.....	.....
March 20	.2	.05	.0	1.95	.85	.8	.85	.85	.90	2.05	.0	.....	.....
March 21	.15	2.9	.7	.5	.25	.15	.15	.2	.2	.1	.0	.0	.1
March 22	2.95	.7	.55	.35	.2	.0	1.85	.7	.6	.55	.5	.45	4
March 23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 26	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 28	.0	.0	.95	.8	.8	.....	.....	.....	.....	.....	.....	.....	.....
March 29	.97	6.1	.2	.27	.3	.3	.32	.35	.37	.42	.4	.35	.35
March 30	.49	.6	.72	.85	6.0	.25	.37	.5	.7	.75	.8	.75	.77
March 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.85	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 4	.82	.8	.7	.72	.83	.93	.....	.....	.....	.....	.....	.....	.....
April 5	.98	.8	.78	.7	.65	.52	.45	.42	.5	.67	.....	.....	.....
April 6	2.82	.6	.4	.15	1.90	.7	.52	.45	.38	.3	.25	.26	.31
April 7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 11	.55	.64	.62	.46	.3	.....	.....	.....	.....	.....	.....	.....	.....
April 12	.3	.45	.6	.69	.8	.9	.98	8.02	.05	7.98	.91	.....	.....
April 13	.99	6.1	.28	.51	.78	.97	7.1	.3	.45	.5	.7	.85	.9
April 14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

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Tide observations at Chapel-street bridge.—Continued.

Date.	6.30 p. m.	6.40 p. m.	6.50 p. m.	7 p. m.	7.10 p. m.	7.20 p. m.	High-water stand.	Low-water stand.	Duration of ebb.	Duration of flood.	Rise.	Fall.
							Min.	*Min.*	*h. m.*	*h. m.*	*Feet.*	*Feet.*
March 18								5	6 9			
March 19							8	5	6 28½			
March 20							10	10	6 15			
March 21	.25	.5	.8				0	10	6 35			
March 22	.4	.4	.45	.6	.8		15	10 / 20	6 17½	5 37½	5.88	
March 23							0	5		6 17½	6.90	
March 24							0	0		6 25	6.08	
March 25							20	10		6 5	4.65	
March 26							10	0		6 0	5.50	
March 27							10	10		5 40	2.63	
March 28							20	5		6 22½	4.47	
March 29							0	10		6 15	4.27	
March 30	.82	.8	.75				0	0		6 00	4.33	
March 31							0	35	6 17½			
April 1							0	5	5 59½			
April 2							5	5	5 55			
April 3							10	10	6 15			
April 4							15	5	6 20			
April 5							10	5	6 42½			
April 6	.42						5	5	6 30			
April 7							10	5		5 57½	7.65	
April 8							20	5		5 57½	7.46	
April 9							0	5		6 12½	7.09	
April 10							25	5		6 25	6.40	
April 11							0	0		6 37½	6.08	
April 12							5	10		6 12½	5.85	
April 13	8.03	.17	.1	.2	.16	7.96	0	0		6 40	6.06	
April 14							0	0	6 05			
April 15							5	0	5 32½			

NEW HAVEN HARBOR.—*Tide observations at Long Wharf.*

Mean sea-level, 5.189.

[At Chapel-street bridge it was 4.932; diff.=.257; so the readings at Long Wharf were reduced .3

Date.	5.30 a. m.	5.40 a. m.	5.50 a. m.	6 a. m.	6.10 a. m.	6.20 a. m.	6.30 a. m.	6.40 a. m.	6.50 a. m.	7 a. m.	7.10 a. m.	7.20 a. m.	7.30 a. m.	7.40 a. m.
March 18														
March 19														
March 20														
March 21														
March 22	1.6	.5	.45	.4	.4	.35	.35	.4	.5	.65	.8	2.05	.3	
March 23						1.3	.3	.35	.4	.5	.6	.7	.8	
March 24									1.1	.0	0.95	1.0	.05	
March 25										1.85	.75	.55	.55	
March 26														
March 27														
March 28														
March 29														
March 30														
March 31				7.3	.4	.45	.45	.5	.5	.47	.43	.37	.3	
April 1												7.5	.6	
April 2														
April 3														
April 4														
April 5														
April 6														
April 7				.85	.85	.72 / .78	.75	.8	.9	1.09	.3	.59	.73	
April 8									1.02	.0	0.9	.8	.76	
April 9														
April 10														
April 11														
April 12														
April 13														
April 14					7.7	.9	8.0	.1	.17	.2	.22	.2	.15	
April 15										7.7	.8	.95	8.05	

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Tide observations at Long Wharf—Continued.

Date.	7. 50 a. m.	8 a. m.	8. 10 a. m.	8. 20 a. m.	8. 30 a. m.	8. 40 a. m.	8. 50 a. m.	9 a. m.	9. 10 a. m.	9. 20 a. m.	9. 30 a. m.	9. 40 a. m.	9. 50 a. m.	10 a. m.
March 18	.....	.....	.....	.....	7.9	8.0	.1	.1	.2	.3	.3	.3	.2	.0
March 19	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8.0	.1	.2	.2
March 20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 21	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 22	.7	.9	3.1	.4	.65	.9	4.2	.45	.65	.85	5.1	.3	.5	.7
March 23	2.15	.4	.65	.9	3.1	.3	.6	.95	4.2	.45	.75	5.0	.95	.55
March 24	.05	.1	.15	.25	.5	.8	2.0	.2	.35	.6	.8	3.0	.2	.45
March 25	.35	.25	.2	.25	.35	.45	.5	.6	.7	.8	.9	2.1	.3	.5
March 26	.....	.....	1.2	.1	.0	0.95	.95	1.0	.03	.1	.2	.3	.45	.55
March 27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 28	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2.52
March 29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 31	6.95	.8	.65	.5	.4	.3	.15	.0	5.8	.6	.35	.22	.1	4.97
April 1	{.72 .72}	.7	.67	.62	.57	.5	.4	.3	.1	.0	6.9	.7	.55	.35
April 2	.....	.....	.....	8.55	.65	{.7 .7}	.67	.6	.5	.....	.....	.....	.....	.....
April 3	.....	.....	.....	.....	.....	.....	.....	.....	9.4	.47	.5	.5	.45	.4
April 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8.85	.95
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 7	2.18	.3	.55	.85	3.08	.50	.8	4.08	.29	.50	.95	6.25	.45	.7
April 8	.91	.97	1.32	.52	.84	2.1	.38	.65	.92	3.2	.48	.78	4.8	.4
April 9	1.4	{.35 .36}	.38	.45	.48	.55	.64	.8	2.05	.35	.55	.8	3.07	.45
April 10	.....	.....	.....	1.9	.75	.66	.6	.6	.62	.7	.75	.8	.9	2.0
April 11	.....	.....	.....	.....	.....	.....	.....	3.0	2.81	.71	.7	.6	.6	.65
April 12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2.95
April 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 14	.05	7.9	.8	.65	.45	.3	.2	.0	6.75	.5	.3	.05	5.9	.7
April 15	.23	.35	.35	.32	.27	.2	.13	.0	7.8	.65	.57	.4	.2	.0

Date.	10. 10 a. m.	10. 20 a. m.	10. 30 a. m.	10. 40 a. m.	10. 50 a. m.	11 a. m.	11. 10 a. m.	11. 20 a. m.	11. 30 a. m.	11. 40 a. m.	11. 50 a. m.	12. p. m.	12. 10 p. m.	12. 20 p. m.
March 19	7.8	.6	.4	.3	.1	6.8	.6	.4	.2	5.9	.6	.3	.0	4.8
March 19	.2	.2	.1	.0	7.9	.8	.6	.4	.1	6.9	.1	.4	.2	5.9
March 20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 21	.....	.....	.....	.....	.....	.....	.....	9.25	.2	.15	.1	.05	.0	8.8
March 22	.9	6.1	.3	.5	.7	.9	7.1	.2	.3	.35	.35	.45	.45	.45
March 23	.75	6.0	.25	.4	.65	.9	7.1	.35	.45	.6	.75	.9	8.0	.1
March 24	.75	4.0	.2	.45	.6	.85	5.0	.25	.40	.6	.8	.95	6.15	.35
March 25	.65	.8	3.05	.15	.35	.55	.7	.9	4.05	.2	.35	.55	.7	.8
March 26	.72	.97	2.2	.4	.6	.8	3.0	.2	.4	.6	.8	4.0	.22	.45
March 27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 28	.5	.55	.6	.7	.8	.9	3.0	.1	.25	.4	.5	.6	.7	.85
March 29	.....	.....	2.2	.15	.15	.15	.13	.1	.13	.17	.25	.35	.4	.6
March 30	.....	.....	.....	.....	3.2	2.8	.7	.6	.5	.5	.55	.5	.5	.55
March 31	.85	.7	.5	.35	.2	.0	3.75	.57	.37	.2	.1	.0	2.9	.75
April 1	.12	.0	5.75	.55	.35	.2	.0	4.75	.6	.45	.3	.15	.0	3.85
April 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.3	.15	8.92	.82	.52	.3	.1	7.87	.65	.4	.2	6.92	.6	.37
April 4	.95	.95	.95	.85	.70	.50	.35	.1	7.9	.7	.45	.15	6.9	.6
April 5	7.2	.3	.35	.35	{.45 .42}	.42	.35	.3	.3	.2	.1	6.95	.7	.35
April 6	.....	.....	.....	.....	.....	8.48	.6	.7	.72	.7	.7	.68	.68	.6
April 7	.95	6.28	.55	.76	7.07	.3	.55	.75	.81	.91	8.09	.23	.35	.5
April 8	.75	5.0	.25	.5	.7	.92	6.12	.37	.62	.87	7.09	.3	.5	.75
April 9	.58	.75	4.1	.4	.6	.9	5.15	.4	.6	.85	6.08	.3	.48	.75
April 10	.15	.40	.7	.95	3.2	.37	.55	.85	4.0	.25	.5	.78	5.0	.25
April 11	.69	.69	.6	.7	.67	.8	.9	3.12	.32	.52	.92	.42	.4	.62
April 12	.9	.85	.7	.59	.42	.30	.22	.90	.28	.41	.57	.73	.93	3.05
April 13	.....	.....	.....	.....	.....	.....	.....	2.80	.65	.52	.42	.32	.21	.16
April 14	.5	.25	.05	4.8	.65	.45	.3	.15	3.95	.8	.6	.4	.2	.1
April 15	6.7	.4	.2	.0	5.8	.6	.4	.2	.0	4.75	.55	.4	.2	3.9

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Tide observations at Long Wharf—Continued.

Date.	12.30 p. m.	12.40 p. m.	12.50 p. m.	1 p. m.	1.10 p. m.	1.20 p. m.	1.30 p. m.	1.40 p. m.	1.50 p. m.	2 p. m.	2.10 p. m.	2.20 p. m.	2.30 p. m.	2.40 p. m.
March 18	.7	.4	.2	3.9	.6	.3	.1	2.9	.7	.6	.4	.2	.0	1.
March 19	.7	.5	.2	4.9	.65	.4	.1	3.9	.7	.5	.3	.1	2.9	.
March 20														
March 21	.55	.25	.0	7.7	.5	.25	.0	6.85	.65	.35	.1	5.75	.35	
March 22	.4	.3	.15	6.95	.8	.65	.45	.30	.1	5.8	.6	.3	.1	
March 23	.2	.3	.2	.15	.1	.0	7.9							
March 24	.6	.75	.9	7.0	.1	.2	.1	.05	.0	6.95				
March 25	.95	5.05	.25	.4	.5	.7	.8	.9	.95	.95	.9	.85	.8	
March 26	.62	.82	5.02	.17	.35	.52	.65	.75	.9	6.1	.2	.3	.4	
March 27													7.5	
March 28	4.05	.3	.5	.7	.85	.95	5.15	.3	.45	.6	.75	.95	6.1	
March 29	.75	.95	3.1	.3	.5	.65	.75	.9	4.1	.3	.5	.6	.8	
March 30	.55	.57	.65	.75	.80	.9	3.0	.15	.35	.5	.65	.8	.95	4.1
March 31	.7	.65	.6	.6	.6	.62	.65	.7						
April 1	.7	.55	.45	.45	.3	.15	.0	2.9	.85	.9	3.0	.05		
April 2												2.95	.9	
April 3	.1	5.8	.6	.4	.15	4.95	.7	.5	.25	3.95	.8	.6	.35	
April 4	.4	.1	5.8	.5	.2	4.95	.75	.5	.25	.0	3.8	.6	.35	
April 5	.15	5.85	.6	.3	.09	4.85	.59	.25	3.98	.7	.4	.1	2.85	
April 6	.4	.2	.0	7.71	.45	.21	.0	6.67	.5	.29	5.97	.72	.4	
April 7	.53	.58	.5	.4										
April 8	.72	8.05	.14	.24	.35	.4	{.45 .42}	{.43}	.3	.25				
April 9	7.0	.22	.4	.6	.7	.9	8.1	.18	.3	.35	.4	.49	.5	
April 10	.47	.6	.75	6.0	.25	.45	.7	.9	7.07	.2	.4	.6	.72	
April 11	.8	5.03	.29	.56	.66	.86	6.07	.38	.52	.79	.82	7.1	.35	
April 12	.07	.13	.32	.68	.90	4.1	.4	.66	.85	5.0	.15	.37	.51	
April 13	.16	.20	.23	.28	.37	.48	.63	.82	3.01	.23	.46	.63	.82	
April 14	2.95	.85	.65	.45	.4	.4	.45	.47	.5	.6				
April 15	.7	.55	.35	.2	.0	2.9	.8	.7	.55	.5	.4	.4	.35	

Date.	2.50 p. m.	3 p. m.	3.10 p. m.	3.20 p. m.	3.30 p. m.	3.40 p. m.	3.50 p. m.	4 p. m.	4.10 p. m.	4.20 p. m.	4.30 p. m.	4.40 p. m.	4.45 p. m.	5 p. m.
March 18	.7	.6	.5	.4	.4	.3	.4	.5	1.7	.8				
March 19	.5	.2	.0	.18	.62	.52	.5	.42	.4	.32	.22	.22	.3	.
March 20														
March 21	4.85	.65	.40	.15	.0	3.9	.7	.4	.1	2.8	.6	.3	.2	
March 22	.6	.4	.1	3.9	.7	.5	.3	.0	2.8	.6	.4	.3	.1	
March 23														
March 24														
March 25	.65													
March 26	.45	.5	.45	.4	.3	.25								
March 27	{.57 .55}	{.55}	.5	.45	.25									
March 28	.45	.55	.65	.7	.85	.9	.95	.95	.95	7.0	.07	.0	6.95	
March 29	.15	.25	.4	.5	.6	.75	.85	.95	6.1	.2	.25	.25	.3	
March 30	.2	.3	.5	.7	.9	5.1	.25	.4	.6	.7	.9	6.05	.15	
March 31														
April 1														
April 2	.89	.89	.9	.92	.97	3.0								
April 3	.15	2.9	.85	.75	.7	.65	.6	.6	.67	.77				
April 4	2.9	.7	.5	.3	.1	1.9	.85	.75	.7	.7	.65	{.6 .6}	{.65}	
April 5	.4	.25	1.91	.7	.45	.3	.08	0.95	.75	.65	.55	.5	.5	
April 6	4.7	.55	.28	.0	3.8	.45	.25	.0	2.75	.55	.30	.12	1.55	
April 7														
April 8														
April 9	.3													
April 10	.97	8.1	.12	.12	.08	.0								
April 11	.6	.8	8.02	.25	.25	.25	.45	.52	.55	.7	.65	.5		
April 12	.9	6.05	.27	.41	.57	.75	7.0	.2	.3	.36	.65	.73	.8	
April 13	.25	.50	.69	.9	5.12	.41	.65	.82	6.0	.05	.21	.41	.7	
April 14														
April 15	.4	.5												

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Tide observations at Long Wharf—Continued.

Date.	5.10 p. m.	5.20 p. m.	5.30 p. m.	5.40 p. m.	5.50 p. m.	6 p. m.	6.10 p. m.	6.20 p. m.	6.30 p. m.	6.40 p. m.	6.50 p. m.	7 p. m.	7.10 p. m.	7.20 p. m.
March 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 19	.6	.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 20	1.9	.8	.8	.9	2.1	.3	.....	.....	.....	.....	.....	.....	.....	.....
March 21	.0	.0	.1	.0	1.9	.9	.95	2.05	.2	.4	.....	.....	.....	.....
March 22	.75	.6	.5	.4	.3	.25	.25	.25	.3	.4	.5	.75	.95	2.1
March 23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 26	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 28	.....	.....	*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
March 29	.35	.4	.4	.4	.45	.35	.25	.....	.....	.....	.....	.....	.....	.....
March 30	.4	.55	.65	.7	.73	.7	.75	.85	.85	.8	.....	.....	.....	.....
March 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 5	.25	.2	.25	.4	.5	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.45	.32	.27	.19	.13	.1	.15	.2	.3	.....	.....	.....	.....	.....
April 7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 12	8.0	.05	.1	.08	.0	7.91	.....	.....	.....	.....	.....	.....	.....	.....
April 13	7.08	.26	.44	.5	.67	.8	.91	8.02	.2	.2	.15	.22	.2	.0
April 14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Date.	7.30 p. m.	7.40 p. m.	7.50 p. m.	8 p. m.	8.10 p. m.	8.20 p. m.	8.30 p. m.	8.40 p. m.	8.50 p. m.	9 p. m.	High-water stand.	Low-water stand.	Duration of ebb.	Duration of flood.	Rise.	Fall.
											Min.	*Min.*	*h. m.*	*h. m.*	*Feet.*	*Feet.*
March 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	0	6 5	.....	.....	7.00
March 19	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	30	10	6 30	.....	.....	6.98
March 20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	(*)	10	(*)	.....	.....	(*)
March 21	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	10	6 35	.....	.....	7.35
March 22	.3	.5	.....	.....	.....	.....	.....	.....	.....	.....	20	{ 10 / 20	6 0	5 45	6.10	6.20
March 23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	0	.....	6 15	7.00	.....
March 24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	0	.....	6 10	6.25	.....
March 25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	10	.....	5 45	4.75	.....
March 26	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	15	.....	6 17½	5.55	.....
March 27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	(*)	.....	5 25	2.63	.....
March 28	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	10	.....	6 25	4.57	.....
March 29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20	5	.....	6 7½	4.30	.....
March 30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15	15	.....	6 20	4.35	.....
March 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15	20	6 12½	.....	.....	4.90
April 1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	0	5 57½	.....	.....	4.87
April 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	30	6 5	.....	.....	5.81
April 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15	10	6 22½	.....	.....	6.90
April 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25	10	6 22½	.....	.....	7.35
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	10	6 25	.....	.....	7.25
April 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	0	6 30	.....	.....	7.62
April 7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	0	.....	5 47½	7.86	.....
April 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	5	.....	5 57½	7.69	.....
April 9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	0	.....	6 22½	7.15	.....
April 10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15	15	.....	6 25	6.52	.....
April 11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	15	.....	6 32½	6.10	.....
April 12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	5	.....	6 12½	5.90	.....
April 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	10	.....	6 35	6.06	.....
April 14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	20	5 52½	.....	.....	5.82
April 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15	5	5 30	.....	.....	6.05

*Not determined.

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NEW HAVEN HARBOR—*Tide observations at Fort Hale.*

Mean sea-level on box, 2.740; with indicator before April 7, 5.151 — 3 } To Chapel-street bridge gauge.
With indicator after and including, 4.151 + 7 }

Date.	5.30 a. m.	5.40 a. m.	5.50 a. m.	6 a. m.	6.10 a. m.	6.20 a. m.	6.30 a. m.	6.40 a. m.	6.50 a. m.	7 a. m.	7.10 a. m.	7.20 a. m.	7.30 a. m.	7.40 a. m.
March 31	.....	.....	.....	.....	.....	7.3	.3	.4	.3	.25	.2	.2	.15	.0
April 1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7.45	(.(
April 2*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 7	.....	.....	.....	1.5	.35	.3	.25	.25	.35	.45	.55	.7	.9	2.1
April 8	.....	.....	.....	.....	.....	1.3	.2	.1	.0	.0	.05	.05	.05	1.1
April 9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 14	.....	.....	.....	.....	.....	.....	7.90	8.0	.10	.15	.15	.15	.10	(
April 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7.90	.95	*

Date.	7.50 a. m.	8 a. m.	8.10 a. m.	8.20 a. m.	8.30 a. m.	8.40 a. m.	8.50 a. m.	9 a. m.	9.10 a. m.	9.20 a. m.	9.30 a. m.	9.40 a. m.	9.50 a. m.	10 a. m.
March 31	6.8	.7	.6	.5	.3	.25	.0	5.7	.65	.5	.4	.2	4.9	.
April 1	.55	.55	.5	45	.35	.3	.2	.1	6.95	.8	.7	.65	.4	.
April 2*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.....	.....	.....	.....	8.8	9.0	.15	.2	.25	.25	.25	.2	.1	.
April 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 7	.5	.85	3.0	.15	.4	.75	4.0	.5	.8	5.0	.3	.5	.9	(
April 8	.15	.25	.45	.70	.95	2.1	.2	.45	.60	.75	3.25	.60	.95	4.
April 9	1.60	.50	.45	.40	.45	.50	.55	.70	.95	2.15	.45	.70	3.05	3.
April 10	.....	.....	.....	.....	1.70	.65	.50	.55	.65	.65	.65	.70	.80	.
April 11	.....	.....	.....	.....	.....	.....	.....	.....	.....	2.75	.60	.60	.80	.
April 12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 14	7.95	.75	.70	.60	.50	.35	.10	6.90	.70	.50	.35	.15	.0	5.
April 15	.15	.25	.25	.20	.15	.10	.0	7.95	.80	.60	.50	.35	.15	

Date.	10.10 a. m.	10.20 a. m.	10.30 a. m.	10.40 a. m.	10.50 a. m.	11 a. m.	11.10 a. m.	11.20 a. m.	11.30 a. m.	11.40 a. m.	11.50 a. m.	12 m.	12.10 p. m.	12.
March 31	.7	.45	.4	.2	3.9	.85	.65	.45	.2	.1	2.95	.85	.75	
April 1	5.95	.7	.6	.55	.3	.1	4.9	.7	.5	.45	.2	.0	3.8	
April 2*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	8.9	.7	.55	.35	.15	7.9	.65	.45	.15	6.9	.7	.35	5.9	
April 4	8.6	.65	.65	.45	.3	.2	.1	7.9	.7	.55	.3	.05	6.75	5
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.....	.....	.....	.....	.....	7.85	8.05	.05	.15	.15	.15	.05	.0	
April 7	.4	.6	.9	7.3	.6	.9	8.05	.1	.2	.3	.5	.6	.7	
April 8	.5	.75	5.0	.25	.50	.75	6.0	.25	.55	.70	.95	7.15	.35	
April 9	.50	.70	4.05	.25	.55	.75	5.15	.45	.70	.95	6.15	.30	.50	
April 10	2.20	.35	.55	.70	3.05	.40	.65	.90	4.15	.40	.60	.95	5.15	
April 11	.60	.60	.65	.70	.80	.95	3.05	.30	.60	.90	4.20	.35	.60	
April 12	.....	2.75	.65	.55	.35	.20	.15	.25	.30	.35	.55	.65	.95	1.
April 13	.....	.....	.....	.....	.....	.....	3.20	2.9	.55	.40	.25	.20	.20	
April 14	.45	.20	.0	4.8	.60	.45	.25	.05	3.85	.60	.45	.25	.10	1.
April 15	6.70	.55	.30	.05	5.85	.65	.40	.20	4.95	.75	.55	.30	.10	1.

* No observation on account of northeast storm.

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Tide observations at Fort Hale—Continued.

Date.	12.30 p. m.	12.40 p. m.	12.50 p. m.	1 p. m.	1.10 p. m.	1.20 p. m.	1.30 p. m.	1.40 p. m.	1.50 p. m.	2 p. m.	2.10 p. m.	2.20 p. m.	2.30 p. m.	2.40 p. m.
March 31	.65	.6	.55	.5	.5	.55	.6	.65	.7	.8	.....	.....	.....	.....
April 1	.6	.5	.3	.2	.05	2.85	.8	.8	.7	.7	.7	.65	.7	.8
April 2*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.6	.3	.1	4.9	.7	.45	.2	3.95	.75	.65	.5	.45	.2	.05
April 4	.2	.0	5.7	.55	.2	4.85	.5	.2	3.95	.8	.55	.3	.1	2.9
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.8	.6	.45	.2	.05	6.9	.75	.45	.0	5.7	.4	.1	4.8	.45
April 7	.9	.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.65	.80	.90	8.05	.15	.25	.20	.15	.....	.....	.....	.....	.....	.....
April 9	7.0	.20	.45	.70	8.0	.25	.40	.55	.70	.85	.85	.75	.60	.....
April 10	.55	.70	.95	6.15	.40	.60	.70	.95	7.25	.35	.45	.70	.90	8.0
April 11	5.00	.20	.50	.65	.80	.95	6.15	.35	.55	.80	7.05	.25	.45	.55
April 12	.15	.30	.55	.85	4.0	.20	.50	.75	.95	5.1	.40	.60	.5	.95
April 13	.25	.30	.35	.40	.50	.65	.70	.85	3.0	.2	.45	.70	.95	4.2
April 14	.75	.60	.50	.40	.30	.20	.20	.25	.35	.40	.....	.....	.....	.....
April 15	.75	.55	.35	.15	2.95	.80	.65	.55	.....	.....	.....	.....	.....	.....

Date.	2.50 p. m.	3 p. m.	3.10 p. m.	3.20 p. m.	3.30 p. m.	3.40 p. m.	3.50 p. m.	4 p. m.	4.10 p. m.	4.20 p. m.	4.30 p. m.	4.40 p. m.	4.50 p. m.	5 p. m.
March 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 2*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	2.95	.85	.75	.7	.65	.6	.6	.6	.7	.8	.....	.....	.....	.....
April 4	.7	.5	.15	1.85	.55	.45	.2	.0	0.95	.85	.85	.9	.95	1.0
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.1	3.8	.5	.25	2.9	.7	.5	.25	.0	1.8	.7	.4	.15	0.95
April 7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 10	.05	.10	.05	7.95	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 11	.70	.85	8.0	.25	.55	.75	.85	.85	.80	.75	.65	.50	.....	.....
April 12	6.20	.35	.45	.55	.65	.90	.85	7.0	.2	.4	.65	.75	.85	.90
April 13	.40	.65	.75	5.0	.20	.35	.55	.75	6.0	.15	.30	.55	.80	.95
April 14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Date.	5.10 p. m.	5.20 p. m.	5.30 p. m.	5.40 p. m.	5.50 p. m.	6 p. m.	6.10 p. m.	6.20 p. m.	6.30 p. m.	6.40 p. m.	6.50 p. m.	7 p. m.	7.10 p. m.	7.20 p. m.
March 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 2*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 4	.1	.3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 6	.8	.7	.7	.45	.40	.35	.3	.5	.....	.....	.....	.....	.....	.....
April 7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 12	.90	.90	.80	.70	.55	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 13	7.1	.20	.40	.65	.70	.95	.95	.95	.85	.70	.55	.30	.....	.....
April 14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

* No observation on account of northeast storm.

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Tide observations at Fort Hale—Continued.

Date.	7.30 p. m.	7.40 p. m.	7.50 p. m.	8 p. m.	8.10 p. m.	8.20 p. m.	High-water stand.	Low-water stand.	Duration of ebb.	Duration of flood.	Rise.	Fall.
							Min.	*Min.*	*h. m.*	*h. m.*	*Feet.*	*Ft*
March 31	.....	.....	.....	.....	.....	.....	5	15	6 32	.....	.....	
April 1	.....	.....	.....	.....	.....	.....	0	5	6 37	.....	.....	
April 2*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 3	.....	.....	.....	.....	.....	.....	25	25	6 30	.....	.....	
April 4	.....	.....	.....	.....	.....	.....	10	15	6 2½	.....	.....	
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 6	.....	.....	.....	.....	.....	.....	20	5	6 27½	.....	.....	
April 7	.....	.....	.....	.....	.....	.....	5	20	.....	5 47½	7.20	
April 8	.....	.....	.....	.....	.....	.....	5	10	.....	6 27½	7.25	
April 9	.....	.....	.....	.....	.....	.....	10	10	.....	5 45	7.45	
April 10	.....	.....	.....	.....	.....	.....	5	10	.....	6 17½	6.65	
April 11	.....	.....	.....	.....	.....	.....	20	50	.....	6 2½	6.25	
April 12	.....	.....	.....	.....	.....	.....	20	10	.....	6 00	5.75	
April 13	.....	.....	.....	.....	.....	.....	20	15	.....	6 07½	5.75	
April 14	.....	.....	.....	.....	.....	.....	25	10	5 42½	.....	.....	
April 15	.....	.....	.....	.....	.....	.....	15	30	5 32½	.....	.....	

*No observation on account of northeast storm.

NEW HAVEN HARBOR.—*Tide observations at Fire-Mile Point.*

Mean sea-level on box, 3.158; with indicator, 4.564; .4 to Chapel-street bridge gauge.

Date.	5.30 a. m.	5.40 a. m.	5.50 a. m.	6 a. m.	6.10 a. m.	6.20 a. m.	6.30 a. m.	6.40 a. m.	6.50 a. m.	7 a. m.	7.10 a. m.	7.20 a. m.	7.30 a. m.	7.40 a. m.
March 31	.....	.....	.....	.....	.....	.....	.....	.....	7.6	.50	.55	.45	.35	
April 1	.....	.....	.....	.....	.....	.....	.....	.....	7.35	.40	.50	.60	.70	
April 2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 7	.....	.....	1.10	.00	0.90	.90	.90	.95	1.00	.20	.40	.60	.90	
April 8	.....	.....	.....	1.50	.40	.00	.00	0.90	.85	.80	.80	.85	.90	
April 9	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.60	.50	.40	.30	
April 10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2.90	.75	
April 11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 14	.....	.....	.....	.....	.....	.....	.....	8.00	.05	.10	.10	.10	.0	
April 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	

Date.	7.50 a. m.	8 a. m.	8.10 a. m.	8.20 a. m.	8.30 a. m.	8.40 a. m.	8.50 a. m.	9 a. m.	9.10 a. m.	9.20 a. m.	9.30 a. m.	9.40 a. m.	9.50 a. m.	10 a. m.
March 31	.25	.05	6.90	.80	.65	.40	.30	.10	5.90	.80	.50	.40	.30	
April 1	.75	.75	.75	.70	.60	.55	.40	.35	.20	.10	6.90	.80	.60	
April 2	.50	.70	.70	.60	.60	.....	.....	.....	.....	.....	.....	.....	.....	
April 3	.....	.....	.....	8.95	9.27	.15	.22	.30	.30	.27	.22	.20	.20	
April 4	.....	.....	.....	.....	.....	.....	.....	8.32	.50	.65	.75	.85	.90	
April 5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 7	.40	.60	.80	3.00	.20	.50	.90	4.10	.40	.70	5.00	.30	.60	
April 8	.30	.50	.60	.70	.80	2.10	.40	.70	3.00	.25	.40	.70	4.00	
April 9	.25	.20	.30	1.40	.60	.80	.90	2.10	.30	.50	.70	.90	3.10	
April 10	.35	.25	.10	1.90	.70	.65	.60	.55	.55	.60	.60	.70	.70	
April 11	.....	.....	.....	.....	.....	.....	3.10	.00	2.80	.80	.70	.60	.65	
April 12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
April 14	.80	.70	.60	.50	.40	.20	.00	6.80	.60	.40	.30	.00	5.80	
April 15	.25	.30	.30	.30	.20	.05	7.10	.70	.50	.30	.20	.10	.00	

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Tide observations at Five-Mile Point—Continued.

Date.	10. 10 a. m.	10. 20 a. m.	10. 30 a. m.	10. 40 a. m.	10. 50 a. m.	11. a. m.	11. 10 a. m.	11. 20 a. m.	11. 30 a. m.	11. 40 a. m.	11. 50 m.	12. m.	12. 10 p. m.	12. 20 p. m.
March 31	.00	4.95	.75	.55	.35	.15	3.90	.75	.65	.45	.30	.15	.00	2.90
April 1	.25	.00	5.80	.65	.40	.30	.10	4.90	.75	.55	.40	.20	.00	3.95
April 2														
April 3	.00	8.85	.70	.50	.27	.02	7.80	.57	.25	6.95	.72	.47	.22	.00
April 4	9.00	8.95	.85	.75	.61	.40	.20	.00	7.77	.52	.30	.10	6.85	.55
April 5	.....	7.40	.60	.70	.50	.40	.50	.50	.40	.20	6.90	.70	.40	.20
April 6							8.70	.70	.80	.80	.80	.75	.65	.50
April 7	6.20	.40	.60	.80	7.00	.10	.50	.70	.90	8.10	.35	.40	.60	.60
April 8	.60	.80	5.10	.40	.70	.90	6.20	.40	.60	.80	7.00	.20	.40	.60
April 9	.50	.70	.90	4.10	.30	.50	.70	5.10	.40	.60	.90	6.20	.40	.60
April 10	.25	.50	.70	.80	3.10	.30	.50	.70	4.00	.20	.40	.70	5.00	.20
April 11	.50	.60	.60	.60	.80	.90	3.00	.20	.45	.60	.80	4.00	.20	.40
April 12	.....	.....	.....	2.50	.30	.25	.30	.35	.40	.50	.60	.70	.80	.90
April 13										2.30	.15	.20	.20	.20
April 14	.30	.10	4.90	.70	.55	.30	.10	3.90	.70	.50	.35	.20	.10	2.90
April 15	.40	.20	.00	5.80	.60	.40	.20	.00	4.80	.60	.30	.10	3.90	.60

Date.	12. 30 p. m.	12. 40 p. m.	12. 50 p. m.	1 p. m.	1. 10 p. m.	1. 20 p. m.	1. 30 p. m.	1. 40 p. m.	1. 50 p. m.	2 p. m.	2. 10 p. m.	2. 20 p. m.	2. 30 p. m.	2. 40 p. m.
March 31	.85	.85	.80	.70	.70	.75	.80	.85	.....	.....	.....	.....	.....	.....
April 1	.85	.70	.55	.40	.25	.20	.20	.15	.10	.10	.10	.15	.20	.25
April 2											3.30	.20	.00	.00
April 3	5.77	.55	.37	.15	4.85	.60	.37	.15	3.95	.82	.67	.47	.32	.20
April 4	.25	.00	5.80	.55	.24	4.97	.70	.47	.20	3.90	.67	.50	.25	.00
April 5	5.90	.70	.40	.20	4.95	.65	.40	.20	.15	3.90	.60	.40	.20	2.90
April 6	.40	.20	.00	7.80	.50	.30	.10	6.90	.50	.20	5.90	.60	.40	.10
April 7	.60	.50	.40	.25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.80	.95	8.10	.20	.10	.10	0.5	7.90	.80	.....	.....	.....	.....	.....
April 9	.80	7.10	.30	.50	.70	.80	.90	8.05	.25	.25	.30	.40	.35	.30
April 10	.40	.60	.90	6.00	.20	.40	.70	.90	7.10	.40	.50	.60	.70	.80
April 11	.70	5.10	.20	.40	.60	.90	6.20	.40	.60	.70	.90	7.10	.25	.40
April 12	3.10	.50	.70	.90	4.20	.40	.60	.90	5.10	.40	.60	.70	.80	6.00
April 13	.20	.25	.30	.40	.50	.70	.90	3.00	.10	.30	.40	.65	.80	4.10
April 14	.70	.60	.50	.45	.45	.40	.35	.40	.45	.....	.....	.....	.....	.....
April 15	.40	.30	.20	.00	2.90	.80	.70	.60	.50	.40	.40	.40	.40	.50

Date.	2. 50 p. m.	3 p. m.	3. 10 p. m.	3. 20 p. m.	3. 30 p. m.	3. 40 p. m.	3. 50 p. m.	4 p. m.	4. 10 p. m.	4. 20 p. m.	4. 30 p. m.	4. 40 p. m.	4. 50 p. m.	5 p. m.
March 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 1	.35	.40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 2	.00	.00	.00	.05	.10	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 3	.07	2.95	.85	.77	.72	.70	.70	.75	.85	.97	.....	.....	.....	.....
April 4	2.80	.62	.45	.30	.15	1.97	.85	.75	.67	.62	.62	.67	.75	.....
April 5	.70	.40	.20	1.90	.60	.35	.10	0.90	.80	.80	.60	.50	.35	.25
April 6	4.65	.40	.20	3.95	.65	.40	.10	2.90	.70	.50	.20	.00	1.80	.60
April 7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 9	.20	.10	.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 10	.90	8.00	.05	.00	.00	7.90	.80	.....	.....	.....	.....	.....	.....	.....
April 11	.60	.80	8.00	.10	.20	.30	.35	.40	.45	.50	.40	.30	.20	.....
April 12	.10	.20	.40	.60	.80	.90	7.10	.25	.40	.50	.65	.65	.75	.90
April 13	.40	.60	.80	5.00	.20	.40	.60	.80	6.00	.20	.40	.60	.80	7.10
April 14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 15	.60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

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Tide observations at Five-Mile Point—Continued.

Date.	5.10 p. m.	5.20 p. m.	5.30 p. m.	5.40 p. m.	5.50 p. m.	6 p. m.	6.10 p. m.	6.20 p. m.	6.30 p. m.	6.40 p. m.	6.50 p. m.	High-water stand.	Low-water stand.	Duration of ebb.	Duration of flood.	Rise.	Fall.
												Min.	*Min.*	*h. m.*	*h. m.*	*Feet.*	*Feet*
March 31												(*)	10	(*)			4.90
April 1												20	20	6 00			4.60
April 2												30	40	6 15			5.60
April 3												20	20	6 40			6.60
April 4												10	0	6 15			7.40
April 5	.20	.30	.40	.60	.70	.90	1.10					0	0	6 30			7.50
April 6	.50	.40	.20	.00	.10	.25	.30	.35				20	0	6 00			7.80
April 7												20	20		6 00	7.70	
April 8												0	10		5 55	7.40	
April 9												0	0		6 20	7.20	
April 10												0	10		6 05	6.50	
April 11												10	0		6 20	6.60	
April 12	.90	.90	.90	.85	.75							20	0		6 15	5.65	
April 13	.20	.30	.40	.60	.70	.80	.90	.90	.90	.85	.80	20	30		6 15	5.70	
April 14												20	0	5 40			5.75
April 15												20	30	5 55			5.90

* Not determined.

ENGINEER OFFICE, UNITED STATES ARMY,
Newport, Rhode Island, January 20, 1872.

GENERAL: I have the honor to make the following report of the operations of improving the Housatonic River, Connecticut, during the past season.

The condition of this work at the date of my last annual report, August 31, is given in your printed annual report for 1871, pp. 777, 778, 779.

The work continued in progress till the autumn weather compelled us to desist. The improvement, consisting of a riprap embankment at Sow and Pigs Rocks, was completed. A channel 80 feet wide and 7 feet deep was dredged through Drew's Bar, and a channel 42 feet wide and 7 feet deep was excavated through Mill Bar. These depths are at mean low water. Surveys were also made in addition to the previous ones. The expenditures have been as follows:

For riprap embankment at Sow and Pigs Rocks, 778.34 cubic yards, at $1.90	$1,478 84
For dredging at Drew's Bar, 28,922.41 cubic yards, at 18 cents	5,206 03
For dredging at Mill Bar, 9,447.85 cubic yards, at 18 cents	1,700 61
For engineering and incidental expenses	3,446 31
Balance on hand December 31	3,168 21
	15,000 00

An additional appropriation of $15,000 has been asked for.

Along with this report I transmit the report of Henry Harding, civil engineer, who superintended the execution of the work, which gives all the details deemed desirable. Mr. Harding's report is accompanied by four maps, one being of the work at Sow and Pigs Rocks, another of the dredging at Drew's Bar, another of the detailed survey of Drew's Rock, and the other of the dredging done at Mill Bar. These maps of the bars where dredging was done are colored, so as to show the monthly progress of the work.

The original survey was made by Captain W. S. Edwards, civil engineer, but the locations of the improvements were made by General T. G. Ellis, civil engineer.

Yours, respectfully,

G. K. WARREN,
Major Engineers and Brevet Major General, U. S. A.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers United States Army, Washington, D. C.

NEWPORT, R. I., *January* 1, 1872.

GENERAL: I have the honor to submit the following final report of operations for the season ending November 29, 1871, for the improvement of Housatonic River, Connecti-

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cut, conducted in accordance with section 1 of the appropriation act for rivers and harbors, approved March 3, 1871. The amount of the appropriation was $15,000.

The navigable portion of the Housatonic River (heretofore only so at high water) is about thirteen miles in length, from the sound to Derby, at which point there are two other thriving towns, Huntington and Ansonia; the latter about a mile north, and situated on the Naugatuck River, which flows into the Housatonic River at Derby. These towns are of growing importance, and already carry on a large freighting business by the river. This is attended by a considerable delay and expense, as they are often compelled to lighten their barges at Bridgeport, having to make two trips from that place, where, if the river was improved, but one would be necessary. Heretofore much of the material used in the manufacturing at these places has been carried by railroads, which would have come by river had not the navigation been so difficult.

Drew's Bar was the first point where the improvement commenced, and was that of dredging, which was begun July 18, 1871, by P. W. Myers, contractor for the above, as also all other work done at the two other points on the river, (Sow and Pigs Reef and Mill Bar) The dredging was done with an Osgood dredge.

The object at this point (Drew's Bar) was to connect the deep waters of the two separate channels above and below the bar. When the improvement was commenced, the design was to remove Drew's Rock, as it is located in the channel usually navigated. Further surveys, however, showed that the cost of removing it would be far more than the cost of an embankment from it to the shore. Estimates for the removal of this rock, and for an embankment, will be found further on. It was first proposed to make a channel 1,540 feet long, 100 feet wide, and 7 feet deep at mean low water. This was done, with exception of the width of the channel, which was left at 80 feet, in order to make the necessary improvement at Mill Bar this season. Below Drew's Rock it was deemed necessary to make one cut of 20 feet wide, so as to enable vessels to keep more to the eastward coming up to the rock. This makes an addition to the above distance of 440 feet.

Total amount excavated during the season at the above points, 28,922.41 cubic yards. I do not think that it will be necessary to do any more dredging at this point the coming season. Work at this point was finished the 23d of October, 1871.

While the work was going on at Drew's Bar, according to your order, I made a survey and soundings at Sow and Pigs Reef, and laid out the work for the wing-dam, which was also built during the time that the contractor was at work at Drew's Bar.

The total length of the dam from the initial point on Sow and Pigs Reef to high-water mark on east shore is 163 feet; width on top 10 feet, and a slope on both, up and down stream, sides of one to one. The up-stream slope has a layer of quarry waste exceeding 6 inches in depth over its entire surface, so as to render it impervious to both sand and gravel.

Total number of cubic yards of stone in dam is 778.34. The object of this dam is to obviate various difficulties to navigation at this point. Its design is not so much to increase the depth opposite (or the river's cross-section) as to render the safe passage of vessels going down stream. Heretofore when vessels would near that portion of the river, they experienced great difficulty in overcoming that point from the danger of being drawn on or against the rock by the force of the body of the current at that point passing between the rock and the east bank, which opening was not practicable for vessels.

Although but limited observations have been made since the construction of the dam, I think it safe to say that this one serious impediment is already overcome. The position of the dam is not at right angles with the thread of the stream, or, in other words, is not exactly in the line of the transverse section. This location was considered advisable on account of the solid rock on the east bank for the dam to bed against, therefore obviating any danger of washing around the shore-end. This position was selected by General Ellis and approved by you.

Mill Bar was the next and last point of improvement on the river, and was but partially completed. This work was commenced the 23d of October, 1871. The nature of the work was dredging in sand, so as to give a 7-foot channel at mean low water, otherwise opening the old channel to a width of 150 feet, and to connect the north and south deep-water channels. This is done at present to a width of only 42 feet, and in length a distance of 750 feet. The amount dredged at this point is 9,447.85 cubic yards. This does not seem to be the river's natural channel, inasmuch as it is out of direction of the main body of water in coming down stream, although it has been the main sailing-track since 1864, and is doubtless the most feasible as regards expense.

The old channel navigated previous to 1864 has a serious obstruction opposite the mouth of the stream leading out of the Mill Pond, consisting of a rock 3 feet under water at mean low water.

I would here suggest that, in further prosecution of the work at this point, the dredging in the upper portion of the channel should be done on the east side of where the work has already been done, but in the south portion continue from the sand island down, as at present laid out.

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I find from observation that there is a cross-current which causes the sand, so that it deposits on the island and its vicinity, (therefore cutting into the island, as this present lay-out does.) The liability would be that of soon filling up; therefore the suggestion of moving eastward, so as to overcome the above difficulty. The cutting is even heavier than indicated on the map; that is, that portion which begins at the sand island, thence north.

During the prosecution of the work at Mill Bar, I made a survey and soundings at Drew's Rock, according to your directions. I have made an approximate estimate in reference to its removal. The number of cubic yards to be removed, to give 7 feet at mean low water, is about 419; at $15 per cubic yard, would amount to $6,285.

I have also made an approximate estimate for a wing-dam at the same point, of the following dimensions: 123 feet long, 10 feet wide on top, with a slope of 1 to 1 on both the up and down stream sides, and to extend to mean high water the entire length. The amount of stone required would not far exceed 330 cubic yards, and cost, at $1.90 (price paid for same kind of work this season,) would amount to $627.

This dam to run from the west bank to rock, startiug from the shore at a point far enough below the rock so as to make an angle of 70° with the bank and stream.

Recapitulation of work done on Housatonic River during the season.

Dredging 38,370.26 cubic yards, at 18 cents	$6,906 64
Wing-dam, 778.34 cubic yards, at $1.90	1,478 84
	8,385 48
Engineering and incidental expenses	3,446 31
Total amount expended	11,831 79
Amount of appropriation for improvement	15,000 00
Total amount expended	11,831 79
Balance remaining	3,168 21

Accompanying this report will be found maps, as follows: Map of Sow and Pigs Rocks, (or Reef.) containing the survey of the above point, plan, and position of dam with cross and longitudinal section of same; scale of map, 30 feet to 1 inch. Maps of Drew's Bar and Mill Bar, on scale of 24 inches to the mile, or 220 feet to 1 inch. These maps show the progress of work during each month, and is indicated as shown by color. Map of survey of Drew's Rock, (1871,) scale 10 feet to 1 inch.

Very respectfully,

HENRY HARDING.

Brevet Major General G. K. WARREN,
Major of Engineers, U. S. A., Newport, Rhode Island.

E.

Letter from the Secretary of War, in answer to a resolution of the House of March 20, relative to removing the light-house at New Haven Harbor, Connecticut, to Southwest Ledge.—April 5, 1872, referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT, *April 2, 1872.*

The Secretary of War has the honor to invite the attention of the House of Representatives to the accompanying report of the Chief of Engineers and its inclosure, on the subject of the expediency of removing the light-house at New Haven Harbor, Connecticut, to Southwest Ledge, which are based on the resolution of the House of the 20th ultimo asking for information on that subject.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 1, 1872.

SIR: In compliance with the following resolution of the House of Representatives of March 20, "that the Secretary of War and the Secretary of the Treasury be requested to inquire into the expediency of removing the light-house at New Haven Harbor,

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Connecticut, from its present position to Southwest Ledge, so called, near the entrance of said harbor, and make report to this House," I beg leave to transmit herewith a copy of a letter on the subject, dated March 27, 1872, from Major G. K. Warren, Corps of Engineers, the officer in charge of the improvement of New Haven Harbor, to whom the question was referred. Major Warren's letter, it is believed, will afford the information contemplated by the resolution.

The resolution is herewith returned.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

ENGINEER OFFICE, UNITED STATES ARMY,
Newport, Rhode Island, March 27, 1872.

I have the honor to submit the following report in regard to the expediency of removing the light-house at the entrance to New Haven Harbor, Connecticut, from its present position to Southwest Ledge.

I would recommend that the change be made for the following reasons:

1st. In approaching the harbor from the eastward the light is not visible until nearly abreast of it, being shut out by woods. In coming from the westward the light is so situated as to render its position very deceptive, making it appear nearer than it actually is; many vessels ground on the west-shore flats from this cause.

2d. If the light-house was on the ledge, vessels could run for it until it was close aboard, then haul to the northward, pass to the westward of the light, and head up the harbor directly for the fixed red light on Long Wharf, thus following the line of best water up the harbor, avoiding all rocks and shoals. The light-house would also serve as an excellent channel-mark by day as well as by night. In consequence of the present position of the light, it is necessary to run by bearings and estimated distances, thus rendering dangerous the entrance to the harbor.

3d. The woods in the vicinity of the present light-house so deaden the sound of the fog-bell that in fogs accompanied by a southerly breeze it is impossible to hear the bell more than six hundred or seven hundred feet, except when directly abreast to the westward of the light. This would be obviated by placing the light-house upon the ledge. Besides thus greatly improving the entrance to the harbor itself, the position of the light on Southwest Ledge would be about one mile farther out in the sound, and would furnish an excellent object for vessels passing along the sound to steer by and correct their positions from in thick weather. New Haven Harbor is much used as a harbor of refuge, and should the light-house be placed on Southwest Ledge, vessels whose captains are not acquainted with the harbor could readily find refuge. The nearest lights are the Falkland Island light, twelve miles to the eastward, and Stratford light, twelve miles to the westward. Every reason that occurs to me justifies the removal of the light to Southwest Ledge. Five-Mile Point should be reserved as a site for a fort. Southwest Ledge has now over it, at mean low water, 7.5 feet, and is composed of granitic rock. The contours of the rock on a scale of 10 feet to the inch are shown on a tracing I sent you with my report of December 23, 1871, (H. Ex. Doc. No. 137.)

I return herewith the copy of the resolution sent me.

Yours, respectfully,

G. K. WARREN,
Major Engineers, Brevet Major General U. S. A.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers U. S. A., Washington, D. C.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 268.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of 25th January last relative to the lawlessness in insurrectionary States.

APRIL 19, 1872.—Referred to the Select Committee on Insurrectionary States and ordered to be printed.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 25th of January last, I have the honor to submit the following, accompanied by the report of the Attorney General, to whom the resolution was referred.

Representations having been made to me that in certain portions of South Carolina a condition of lawlessness and terror existed, I requested the then Attorney General, Akerman, to visit that State, and, after a personal examination, to report to me the facts in relation to the subject. On the 16th of October last he addressed me a communication from South Carolina, in which he stated that in the counties of Spartanburgh, York, Chester, Union, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, there were combinations for the purposes of preventing the free political action of citizens who were friendly to the Constitution and Government of the United States, and of depriving the emancipated class of the equal protection of the laws. "These combinations embrace at least two-thirds of the active white men of those counties, and have the sympathy and countenance of a majority of the other third. They are connected with similar combinations in other counties and States, and no doubt are part of a grand system of criminal associations pervading most of the Southern States. The members are bound to obedience and secrecy by oaths which they are taught to regard as of higher obligation than the lawful oaths taken before civil magistrates. They are organized and armed. They effect their objects by personal violence, often extending to murder. They terrify witnesses. They control juries in the State courts and sometimes in the courts of the United States. Systematic perjury is one of the means by which prosecutions of the members are defeated. From information given by officers of the State and of the United States, and by creditable private citizens, I am justified in affirming that the instances of criminal vio-

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lence perpetrated by these combinations within the last twelve months in the above-named counties could be reckoned by thousands."

I received information of a similar import from various other sources, among which were the Joint Select Committee of Congress upon Southern Outrages, the officers of the State, the military officers of the United States on duty in South Carolina, the United States attorney and marshal and other civil officers of the Government, repentant and abjuring members of those unlawful organizations, persons specially employed by the Department of Justice to detect crimes against the United States, and from other credible persons.

Most, if not all, of this information, except what I derived from the Attorney General, came to me orally, and was to the effect that said counties were under the sway of powerful combinations popularly known as "Ku-Klux Klans," the objects of which were, by force and terror, to prevent all political action not in accord with the views of the members, to deprive colored citizens of the right to bear arms and of the right to a free ballot, to suppress schools in which colored children were taught, and to reduce the colored people to a condition closely akin to that of slavery; that these combinations were organized and armed, and had rendered the local law ineffectual to protect the classes whom they desired to oppress; that they had perpetrated many murders and hundreds of crimes of minor degree, all of which were unpunished; and that witnesses could not safely testify against them unless the more active members were placed under restraint.

U. S. GRANT.

EXECUTIVE MANSION, *April* 19, 1872.

FORTY-SECOND CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES.
January 25, 1872.

Mr. Poland, from the Joint Select Committee to inquire into the conditions of the late insurrectionary States, reported the following resolution; which was agreed to:

Resolved, That the President of the United States be, and he is hereby, requested to communicate to the House of Representatives all information in his possession upon which he acted in exercising the power conferred upon him by the third and fourth sections of the act of Congress approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," so far as the same have been exercised in reference to portions of the State of South Carolina; also the names of all persons who have been arrested in that State in pursuance of the authority conferred by said act; the names of those arrested who have voluntarily confessed that they are or were members of the combinations and conspiracies forbidden and made penal by said act; the numbers and names of those who have been paroled to appear when required; the number and character of the offenses forbidden by said act, or the act of May 31, 1870, which are shown, by such confessions or other information, to have been committed in the respective counties in which the privilege of the writ of *habeas corpus* have been suspended in said State of South Carolina, with the dates of all such alleged offenses; and all other infor-

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mation which, in his judgment, will convey a correct knowledge of the existing state of society, of the execution of the laws, and of the security of life, persons, and property in said counties; and also such information as he may have relative to the operation and enforcement of the act of Congress, approved April 20, 1871, and the act of Congress approved May 31, 1870, in the States of North Carolina and Mississippi, with the number and names of persons who have been arrested, bound over, or indicted, or have pleaded guilty, with their sentences, (and all information he may have relative to the doings of the "Lowry gang," and other outlaws in North Carolina,) with the number and names of such persons as have confessed themselves guilty of violations of the provisions of said acts; and also such information as he may have relative to the security of life, person, and property in the States of Kentucky, Arkansas, Louisiana, and Texas, including all information in his possession relative to the existing conflict between office-holders in Louisiana.

Attest: EDWARD McPHERSON, *Clerk.*

DEPARTMENT OF JUSTICE,
Washington, April 19, 1872.

SIR: I have the honor to acknowledge, through your reference, the receipt of the resolution reported by Mr. Poland to the House of Representatives, from the joint select committee to inquire into the condition of the late insurrectionary States, which was agreed to.

In answer to the first clause of the resolution "in reference to portions of the State of South Carolina," I have the honor to inclose herewith a copy of a report made to this Department by Mr. D. T. Corbin, United States attorney for that district, marked Exhibit A. The report contains a list, a copy of which is herewith transmitted, "of 501 names of persons who have been arrested in that State in pursuance of the authority conferred by act of Congress, approved April 20, 1871;" the names of 53 persons who voluntarily confessed in open court that they at the time of confession "were, or had been members of the combinations and conspiracies forbidden and made penal by said act;" who pleaded guilty to indictment, the number and character of whose sentences are annexed; the names of 5 who were tried by jury at the November, 1871, term of United States circuit court, the number and character of whose indictments and their sentences are annexed; the names of 162 persons who were indicted at the same term of court, but not tried, the number and character of whose indictments are annexed; the names of 281 persons who were arrested but not tried; the names of 185 persons living in York County alone who have been paroled to appear when required, "and who confessed their connection with" said conspiracies; the names of others who were paroled are found on Exhibit A, from page 3 to page 20 inclusive; the number and character of offenses forbidden by said "acts named in said indictments, or ascertained by confessions or other information," being ninety-one conspiracies under sections 6 and 7, act of May 31, 1870, thirty-one conspiracies under section 2, act of April 20, 1871, including 11 prosecutions for murder, said offenses having "been committed in the respective counties in which the privilege of the writ of *habeas corpus* has been suspended in the State of South Carolina," and "the dates of said alleged offenses" being stated on pages from 20 to 30 of Exhibit A, in the third column.

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Other information relative to the execution of the laws in these counties is found in the letter of the United States attorney, marked Exhibit B.

Exhibit C contains a copy of report by Mr. D. H. Starbuck, United States attorney for North Carolina. It presents a list of the names of 37 persons who were convicted, or pleaded guilty, of violations of the acts of Congress approved April 20, 1871, and May 31, 1870, with their sentences annexed; the names of 944 other persons indicted at Raleigh for similar violations.

There are 105 indictments on the docket, embracing the larger number of persons mentioned above for conspiracies.

The report marked Exhibit D details the necessity for an enforcement of the laws in North Carolina for the security of life and person and property.

The United States attorney for the southern district of Mississippi reports, in regard to the enforcement of the acts aforementioned in his district, a list of 152 names of persons indicted in the United States courts, with the offenses charged against each. This report is dated February 17, 1872, and marked Exhibit E.

The United States attorney for the northern district, G. Wiley Wells, esq., reports 490 names of persons who have been indicted; 2[illegible] of persons arrested; 172, of persons arrested and bound over; 28, persons who pleaded guilty; 14, of persons who confessed and gave State's evidence; which facts are shown by his report, marked Exhibit F.

Having no facilities for obtaining information relative to the security of life, person, and property in the States mentioned in the resolution otherwise than by reports from the officers of this Department, I addressed communications to the several district attorneys asking for information upon this subject as to their districts, and I inclose herewith copies of their reports, marked Exhibits G, H, I, J, K.

Reference is also made to the evidence taken upon the trials of persons charged with violations of the law, in different United States courts in said States, some of which has been published and is now in possession of the Joint Select Committee on Southern Outrages.

For answer to that part of the resolution asking for "all information relative to the existing conflict between office-holders in Louisiana," I would respectfully invite attention to the inclosed copies of telegrams and communications, marked Exhibit L, as furnishing all the information in the possession of this Department in relation to this matter.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS.
Attorney General.

The PRESIDENT.

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EXHIBIT A.

Names of persons in the State of South Carolina arrested by authority conferred by act of Congress approved April 20, 1871, and of those who have been arrested for violations of said act and of the act of May 31, 1870; with the names of those who have voluntarily confessed that they were members of the combinations and conspiracies forbidden and made penal by said act, &c., &c., called for by resolution of the House of Representatives of January 25, 1872.

TRIED BY JURY, NOVEMBER TERM, 1871, CIRCUIT COURT.

Number.	Names of persons arrested.	County.	Indictments against each.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	Remarks.
				Sec.	*Sec.*	
1	Avery, Edward T.	York	2	6	2	Fled before verdict, guilty.
2	Mitchell, Robert H.	do	5	6	2	18 months' imprisonment; $1,000 fine; confessed guilt in open court before receiving sentence.
3	Mitchell, John W.	do	6	6	2	5 years' imprisonment; $100 fine.
4	Miller, John S	do	3	6	2	3 months' imprisonment; $20 fine.
5	Whitesides, Thomas B.	do	3	6	2	1 years' imprisonment; $100 fine.

VOLUNTARILY CONFESSED IN OPEN COURT AT SAME TERM.

6	Bridges, Alexander	Spartanburgh	2	6	.....	1 year's imprisonment; $10 fine.
7	Blackwood, Melvin C	do	1	6	.....	2 months' imprisonment.
8	Blackwell, W. Shefiin	do	1	6	.....	6 months' imprisonment.
9	Brown, Samuel G.	York	1	6	.....	5 years' imprisonment; $1,000 fine.
10	Blackwell, Alfred	Spartanburgh	1	6	.....	6 months' imprisonment.
11	Burnett, John	do	1	6	.....	Do.
12	Burnett, William D.	do	1	6	.....	Do.
13	Carroll, Milus	York	4	6	2	18 months' imprisonment; $100 fine.
14	Childers, Sherod	do	6	6	2	Do.
15	Cantrell, John	Spartanburgh	1	6	.....	3 months' imprisonment.
16	Cantrell, DillardN.	do	1	6	.....	Do.
17	Cantrell, Fibeon	do	1	6	.....	1 year's imprisonment.
18	Cudd, Andrew	do	1	6	.....	3 months' imprisonment.
19	Clement, Albert P.	do	2	6	.....	3 months' imprisonment; $10 fine.
20	Cook, Calvin	do	2	6	.....	3 months' imprisonment.
21	Ezell, Aaron	do	1	6	.....	1 year's imprisonment; $10 fine.
22	Edwards, King	do	1	6	.....	6 months' imprisonment.
23	Gardner, Marion	do	1	6	.....	3 months' imprisonment.
24	Hammatt, Martin	do	1	6	.....	6 months' imprisonment.
25	Henderson, Louis	do	2	6	.....	3 months' imprisonment.
26	Jolly, D. Lewis	do	1	6	.....	Sentence suspended.
27	Jolly, William	do	1	6	.....	6 months' imprisonment.
28	Montgomery, William	York	3	6	2	18 months' imprisonment; $100 fine.
29	Murphy, Evans	do	6	6	2	Do.
30	Moore, John L	Spartanburgh	1	6	.....	18 months' imprisonment.
31	McClure, David C	do	2	6	.....	3 months' imprisonment.
32	Martin, Josiah	York	4	6	.....	18 months' imprisonment.
33	Porter, Hezekiah G.	do	5	6	2	18 months' imprisonment; $100 fine.
34	Phillips, M. Turner	Spartanburgh	1	6	.....	Sentence suspended.
35	Price, Thomas J	do	1	6	.....	6 months' imprisonment.
36	Paris, Frederick	do	1	6	.....	Do.
37	Paris, William	do	1	6	.....	State's evidence.
38	Ramsay, William F.	do	2	6	.....	3 months' imprisonment.
39	Robbins, William	do	1	6	.....	6 months' imprisonment.
40	Shearer, Hugh F.	York	5	6	2	18 months' imprisonment; $100 fine.
41	Shearer, Sylvanus	do	5	6	2	Do.
42	Shearer, James B	do	5	6	2	Do.
43	Shearer, William	do	5	6	2	Do.
44	Stewart, Eli Ross	do	4	6	2	Do.
45	Seeph, William D.	Spartanburgh	2	6	.....	3 months' imprisonment.
46	Spiawn, Stephen D.	do	2	6	.....	Do.
47	Scragga, Chesterfield	do	1	6	.....	6 months' imprisonment.
48	Scragga, Monroe	do	1	6	.....	Do.
49	Surratt, Henry	do	1	6	.....	1 months' imprisonment.
50	Tate, Charles	do	1	6	.....	18 months' imprisonment.
51	Tate, Christenburg	do	1	6	.....	3 months' imprisonment.
52	Tindall, Junius B	do	1	6	.....	1 year's imprisonment.
53	Vassey, Taylor	do	1	6	.....	3 months' imprisonment.
54	Vass y, Jonas	do	1	6	.....	1 year s imprisonment; $100 fine.
55	Tate, Jesse	do	1	6	.....	Sentence suspended
56	Warlick, Henry	York	5	6	2	18 months' imprisonment; $100 fine.
57	Wall, James	Spartanburgh	1	6	.....	3 months' imprisonment.
58	Wall, James C	do	1	6	.....	Do.

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EXHIBIT A.—*Names of persons in the State of South Carolina arrested, &c.*—Continued.

INDICTED AT SAME TIME BUT NOT TRIED.

Number.	Names of persons arrested.	County.	Indictments against each.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	Remarks.
				Sec.	*Sec.*	
59	Archer, Mack	York	2	6	2	
60	Austell, Joseph H	....do	1	6	.....	
61	Avery, Mrs. Mary	....do	1	.....	2	Arrested on bench-warrant.
62	Avery, Kizzy	....do	1	.....	2	
63	Barron, Alexander	....do	1	6	.....	
64	Bolen, Thomas	....do	2	6	2	Used as State's evidence.
65	Black, Robert A	....do	1	6	.....	
66	Blair, Samuel, jr	....do	1	6	.....	
67	Byers, Malcolm B., jr	....do	1	6	.....	
68	Bentley, William	Union	3	6	.....	Arrested on commissioner's warrant for conspiracy and murder, and still in custody.
69	Bevers, John	....do	3	6	.....	Do.
70	Black, Daniel	....do	3	6	.....	Do.
71	Bagnell, Josiah S	Spartanburgh	1	6	.....	
72	Barnes, William D	York	1	6	.....	
73	Blanton, Charles B	....do	1	6	2	
74	Byers, Boliver, jr	....do	2	6	.....	
75	Byers, William	....do	1	6	.....	
76	Byers, Theodore	....do	1	6	.....	
77	Bishop, George C	Spartanburgh	1	6	.....	Discontinued; to be used as State's evidence.
78	Beaurgard, Oliver C	York	1	6	.....	
79	Beaurgard, Charles C	....do	1	6	.....	
80	Bates, Eliphas	Spartanburgh	2	6	.....	
81	Bates, Benjamin F., sr	....do	1	6	.....	
82	Ballenger, Joel	....do	1	6	.....	
83	Bagnell, W. H	....do	1	6	.....	
84	Bagnell, John	....do	1	6	.....	
85	Bettis, Allen	York	1	6	.....	
86	Caldwell, John	....do	3	6	2	
87	Caldwell, William	....do	1	6	.....	
88	Carroll, Joseph	....do	1	6	.....	
89	Chambers, John R	....do	1	6	.....	
90	Chambers, Louisa	....do	1	.....	2	Arrested on bench-warrant.
91	Cash, Robert	Spartanburgh	1	6	.....	Discontinued; to be used as State's evidence.
92	Clements, John C	....do	1	6	.....	Do.
93	Camp, Samuel A	....do	1	6	.....	
94	Camp, Samuel A	....do	1	6	.....	
95	Cooper, Robert E	York	1	.....	2	Arrested on bench-warrant.
96	Camp, John S	Spartanburgh	1	6	.....	
97	Clement, John	....do	2	6	.....	
98	Darwin, Robert R	York	1	6	.....	
99	Davis, John	....do	1	6	2	
100	Dawkins, John	Union	3	6	.....	Same as 68, 69, and 70.
101	Downey, Ezra J	York	2	6	.....	
102	Edwards, Judge	Spartanburgh	1	6	.....	
103	English, Mack	Union	1	6	.....	
104	Ferguson, Samuel	York	4	6	2	
105	Fair, Frank	Union	3	6	.....	Do.
106	Fewell, Frank, alias Frank Cowans	York	3	6	2	
107	Faulkner, Robert J	....do	1	6	.....	
108	Fewell, Samuel	....do	1	6	2	
109	Gaffrey, William	....do	1	6	.....	
110	Gage, John P	....do	1	6	2	
111	Good, John B	....do	1	6	.....	
112	Good, Samuel E	....do	1	6	.....	
113	Grant, Tillman	....do	1	6	.....	
114	Grady, Henry	Union	1	6	.....	
115	Greer, Robert	....do	3	6	.....	Do.
116	Grier, Thomas J	....do	5	6	.....	Do.
117	Graham, John A	York	1	6	.....	
118	Gwinn, William E	....do	1	6	2	
119	Gwinn, O. J	....do	2	6	2	
120	Gwinn, Thomas M	....do	1	6	.....	
121	Hambright, James M	....do	1	6	.....	
122	Harper, James	....do	1	6	.....	
123	Harvey, Samuel J	....do	1	6	2	
124	Herndon, J. Pinckney	....do	2	6	.....	
125	Howe, Julius	....do	5	6	2	
126	Hughes, Thomas	Union	3	6	.....	

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EXHIBIT A.—*Names of persons in the State of South Carolina arrested, &c.*—Continued.

INDICTED AT SAME TIME BUT NOT TRIED.

Number.	Names of persons arrested.	County.	Indictments against each.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	Remarks.
				Sec.	Sec.	
127	Hawkins, Harrison	Union	3	6	.....	
128	Hawkins, Robert	....do	3	6	.....	Same as 68, 69, and 70.
129	Hawkins, Edward	....do	3	6	.....	
130	Hawkins, Neveril	....do	3	6	.....	
131	Henderson, Wade	Spartanburgh	1	6	.....	
132	Humphries, William	....do	1	6	.....	
133	Hunter, John	York	1	6	.....	
134	Hood, John P	....do	1	6	.....	
135	Hood, George	....do	1	6	.....	
136	Houser, John H	....do	2	6	.....	
137	Houser, H. Robinson	....do	1	6	.....	
138	Henry, Patrick L	Spartanburgh	1	6	.....	
139	Harris, Alfred	York	1	6	.....	
140	Jamison, James	....do	1	6	.....	
141	Jones, John	....do	1	6	2	
142	Jeter, Charles	Union	3	6	.....	Same as 68, 69, and 70.
143	Jeter, William	....do	1	6	.....	
144	Jones, Iredell	York	1	6	.....	
145	Kell, Hugh H	....do	9	6	2	
146	Kirkpatrick, Andrew	....do	3	6	2	Used as State's evidence.
147	Kirby, Simpson	Spartanburgh	1	6	.....	
148	Leach, William	York	3	6	2	
149	Lowry, William R	....do	3	6	2	
150	Latham, Fred. G	....do	2	6	.....	
151	Leslie, Thomas H	....do	1	6	.....	
152	Leslie, William	....do	1	6	.....	
153	Lyttle, John	....do	2	6	2	
154	McCall, Reuben	....do	2	6	2	
155	May, William	....do	2	6	2	
156	May, R. Thomas	....do	1	6	.....	
157	McKissick, Isaac, jr	Union	3	6	.....	
158	Matthews, Columbus	Spartanburgh	2	6	.....	
159	McDaniels, Ellis	York	1	6	.....	
160	Moore, Philander E	....do	1	6	.....	
161	Moore, W. Frank	....do	1	6	.....	
162	Moore, John	....do	1	6	.....	
163	Moore, Minor	....do	1	6	.....	
164	Martin, Andrew J	....do	2	6	.....	
165	Martin, William A	....do	2	6	.....	
166	Martin, Thomas G	....do	2	6	.....	
167	Neely, Lawson H	....do	1	6	.....	
168	Neely, Daniel R	....do	1	6	.....	
169	Owens, Scott	....do	2	6	.....	
170	Odle, Charles	Union	1	6	.....	
171	Plexico, Joseph L	York	1	6	.....	
172	Parker, John L	....do	2	6	2	
173	Pursley, James	....do	1	6	.....	State s evidence.
174	Pair, Richard	Union	3	6	.....	Same as 68, 69, and 70.
175	Poag, J. S	York	1	6	.....	
176	Paris, John Swan	Spartanburgh	1	6	.....	
177	Ramsey, Elias	York	3	6	2	State's evidence.
178	Ramsey, John	....do	3	6	2	Do.
179	Ramsey, Samuel	....do	1	6	.....	
180	Riggins, Robert	....do	6	6	2	
181	Robinson, John C	....do	2	6	2	
182	Rogers, Louis	Union	3	6	.....	Same as 68, 69, and 70.
183	Rogers, John	....do	3	6	.....	Do.
184	Rogers, J. Rice	....do	3	6	.....	Do.
185	Robbins, Philip	Spartanburgh	1	6	.....	
186	Richards, Joseph	....do	1	6	.....	
187	Rippy, Samuel H	York	1	6	.....	
188	Ross, Mark	....do	1	6	.....	
189	Salter, Wade	Union	1	6	.....	
190	Saider, William H	York	1	6	.....	
191	Spencer, Leander	....do	1	6	.....	
192	Sapangh, F. R	....do	2	6	2	
193	Stewart, Samuel	....do	2	6	2	
194	Sadler, Stanhope C	....do	1	6	.....	
195	Smith, Samuel	....do	1	6	.....	
196	Sims, Joseph M	....do	1	6	.....	
197	Seaborn Robert K	....do	1	6	.....	
198	Scruggs, Robert P	Spartanburgh	1	6	2	
199	Smith, Adolphus	York	1	6	.....	
200	Toole, Henry	....do	4	6	2	
201	Thompson, William	....do	3	6	.....	

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EXHIBIT A.—*Names of persons in the State of South Carolina arrested, &c.*—Continued.

INDICTED AT SAME TIME BUT NOT TRIED.

Number.	Names of persons arrested.	County.	Indictments against each.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	Remarks.
				Sec.	*Sec.*	
202	Thomas, William C...	York	1	6	.....	
203	Thomas, J. Newman..	....do	1	6	.....	
204	Taylor, Solomon	Spartanburgh.	1	6	.....	
205	Voiselle, Edmund.....	Union	3	6	.....	Indicted as Bozell.
206	White, James	York.	1	6	2	
207	White, John.....	....do	1	6	2	
208	White, William H	....do	1	6	2	
209	Whitesides, William C.	....do	2	6	.....	
210	Wilkinson, Thomas J.	.... do	3	6	2	
211	Williams, William S..	....do	3	6	.....	
212	Wilson, J. Parks.....	....do	2	6	2	
213	Wright, George S.....	....do	2	6	2	
214	Wilkins, John T.....	....do	1	6	2	
215	Waters, John.....	....do	1	6	.....	
216	Wiley, Stearns.....	....do	1	6	.....	
217	Wofford, John	Spartanburgh.	1	6	.....	
218	Woods, John L	York	1	6	.....	
219	Walls, Elias	Spartanburgh.	1	6	.....	
220	Bishop, William P	....do	1	6	.....	

PERSONS ARRESTED BUT NOT YET INDICTED.

Number.	Names.	County.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	What authority.	Remarks.
			Sec.	*Sec.*		
1	Arthur, James.....	Spartanburgh.	6	.....	Civil	
2	Armstrong, Lee.....	....do	6	.....	....do....	
3	Anthony, Daniel.....	....do	6	.....	....do....	
4	Amos, Marion	....do	6	.....	....do....	
5	Allen, Willis	....do	6	.....	....do....	
6	Alcorn, William	York	.....	.....	Military.	Witness released on personal recognizance.
7	Allison, J. B.....	....do	6	2	....do....	
8	Anderson, William ...	Chester.....	6	.....	Civil	
9	Archer, Thaddeus	York	.....	.....	Military.	Witness.
10	Brewton, Eber.....	Union	6	.....	Civil	
11	Burk, Nathan	Spartanburgh.	6	.....	....do....	
12	Bates, B. F., jr	....do	6	.....	....do....	
13	Byers, Nathan	....do	6	.....	....do....	
14	Byers, Noah	....do	6	.....	....do....	
15	Berry, James	....do	6	.....	....do....	
16	Berry, Clayton.....	....do	6	.....	....do....	
17	Betsell, Robert.....	....do	6	.....	....do....	
18	Burnett, G. W.....	....do	6	.....	....do....	
19	Burnett, Elijah	....do	6	.....	....do....	
20	Bell, William	....do	6	.....	....do....	
21	Bishop, George B.....	....do	6	.....	....do....	
22	Bishop, A. B.....	....do	6	.....	....do....	
23	Bishop, Rufus	....do	.....	.....	....do....	
24	Bishop, M. C	....do	6	.....	....do....	
25	Bridges, Nicholas.....	....do	6	.....	....do....	
26	Butler, Chalmers	Newberry	6	2	....do....	Bound over for trial.
27	Black, Govan	Union.....	6	.....	....do....	Do.
28	Bush, Beverly	Spartanburgh.	6	.....	....do....	
29	Brown, E. P	....do	6	.....	....do....	
30	Bloodworth, J. H	York	6 and 7	2	Military.	To be transferred to marshal.
31	Blair, Samuel.....	Chester.....	.....	2	Civil	Bound over for trial in York County.
32	Black, Thomas P	York	.....	.....	Military.	Arrested for W. C. Black; released.
33	Bradley, John.....	Chester.....	6	.....	Civil	Bound over for trial.
34	Brawle, H. C	....do	6	.....	....do....	Do.
35	Bell, E. H.....	York	6 and 7	2	Military.	Do.
36	Bowen, Miles S	....do	6 and 7	2	....do....	Very important witness for Government; held as such by marshal.

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EXHIBIT A.—*Names of persons in the State of South Carolina arrested, &c.*—Continued.

PERSONS ARRESTED BUT NOT YET INDICTED.

Number.	Names.	County.	Violations of act— May 31, 1870. Sec.	Violations of act— April 20, 1871. Sec.	What authority.	Remarks.
37	Branham, Barney	Chester	6		Civil	Discharged by commissioner.
38	Collins, James	Spartanburgh	6		do	
39	Carter, William	do	6		do	
40	Cobb, Lemuel	do	6		do	
41	Calvert, J. W	do	6		do	
42	Cash, Edward	do	6		do	
43	Cash, Elijah	do	6		do	
44	Cash, Arthur	do	6		do	
45	Cash, M. Moses	do	6		do	
46	Cash, Henry	do	6		do	
47	Cooksey, William	do	6		do	
48	Cooksey, W. E	do	6		do	
49	Cantrell, Henry	do	6		do	
50	Cantrell, W. H	do	6		do	
51	Cantrell, J. T	do	6		do	
52	Cantrell, Alfred	do	6		do	
53	Cudd, W. R	do	6		do	
54	Clements, Isam	do	6		do	
55	Clements, Albert	do	6		do	
56	Clery, Ellison	do	6		do	
57	Chapman, John	do	6		do	
58	Cantrell, Turner	do	6		do	
59	Cantrell, Hasel	do	6		do	
60	Caldwell, James M	York	6 and 7	2	Military.	State's evidence; released.
61	Carroll, S. B	do	6 and 7	2	do	Released on personal recognizance.
62	Carroll, D. H	do	6 and 7	2	do	Do.
63	Camp, A. W	do	6 and 7	2	do	Do.
64	Chambers, J. C	do			do	Arrested by mistake for another J. C. Chambers and released.
65	Carters John Wesley	Chester	6		Civil	Bound over for trial.
66	Casey, John	do	6		do	Discharged by commissioner.
67	Castles, William	do	6		do	Do.
68	Crawford, Coleman	do	6		do	Bound over for trial.
69	Crocker, Bill	do	6	2	do	Do.
70	Dawkins, Benjamin	Union	6		do	Do.
71	Cornwall, Obl	Chester	6		do	Do.
72	Dills, John	Spartanburgh	6		do	
73	Dodd, Henry	do	6		do	Discontinued by court.
74	Davidson, John	do	6		do	
75	Davis, Warren	do	6		do	
76	Dobson, J. W	York	6 and 7	2	Military.	Released on personal recognizance.
77	Darby, T. J	Chester	6		Civil	Bound over for trial.
78	Douglass, T. A	York	6 and 7	2	Military.	Released on personal recognizance.
79	Elder, Smith	Spartanburgh	6		Civil	
80	Ezell, James H	do	6		do	
81	Ezell, John M	do	6		do	
82	Ezell, A. C	do	6		do	
83	Ezell, James F	do	6		do	
84	Easter, Andrew	do	6		do	
85	Easter, Mack	do	6		do	
86	Ewbanks, Alfred	do	6		do	
87	Estis, Washington	Chester	6		do	Bound over for trial.
88	Foster, C. W	York	6 and 7	2	Military.	State's evidence; released on personal recognizance.
89	Foster, A. A	Spartanburgh	6		Civil	
90	Foster, Houston	do	6		do	
91	Foster, Washington	do	6		do	
92	Fleming, Douglass	do	6		do	
93	Fowler, John P	do	6		do	
94	Fowler, Wade	Union	6		do	Bound over for trial.
95	Fant, Police	Spartanburgh	6		do	
96	Fant, Minor	do	6		do	
97	Fant, Bostick	do	6		do	
98	Gardner, Alexander	do	6		do	
99	Gardner, Harrison	do	6		do	
100	Gardner, William	do	6		do	
101	Griffin, Canty	do	6		do	

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EXHIBIT A.—*Names of persons in the State of South Carolina arrested, &c.*—Continued.

PERSONS ARRESTED BUT NOT YET INDICTED.

Number.	Names.	County.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	What authority.	Remarks.
			Sec.	*Sec.*		
102	Gidney, Jeremiah	Spartanburgh.	6	.....	Civil	
103	Goesett, Martin	....do	6	.....	..do.....	
104	Gentry, Miles	....do	6	.....	..do.....	
105	Greer, Jason	....do	6	.....	..do.....	
106	Galbraith, R. D	York	6 and 7	2	Military.	Bound over for trial.
107	Gardner, R. H	....do	6 and 7	2	..do.....	Do.
108	Gilmore, William	Chester	6	.....	Civil	Do.
109	Gladden, James	....do	.....	2	..do.....	Do.
110	Goins, Reuben	York	.....	.....	Military.	Witness; released on personal recognizance.
111	Good, D. J	....do	6 and 7	2	..do.....	Bound over for trial.
112	Gorden, D. A	....do	6 and 7	2	..do.....	Released on personal recognizance.
113	Guinn, Thomas M	....do	6 and 7	2	..do.....	Do.
114	Giles, Thomas	Union	6	.....	Civil	Bound over for trial.
115	Harvey, John	Spartanburgh.	6	.....	..do.....	
116	Harris, T. W	....do	6	.....	..do.....	
117	Horton, J. W	....do	6	.....	..do.....	
118	Horton, James	....do	6	.....	..do.....	
119	Horton, W. R	....do	6	.....	..do.....	
120	Horton, W. T	....do	6	.....	..do.....	
121	Haynes, J. W	....do	6	.....	..do.....	
122	Howington, W	....do	6	.....	..do.....	
123	Harrison, H. M	....do	6	.....	..do.....	
124	Humphries, Green	....do	6	.....	..do.....	
125	Hines, W. L. B	....do	6	.....	..do.....	
126	Hines, W. J	....do	6	.....	..do.....	
127	Hines, Isam	....do	6	.....	..do.....	
128	Hammatt, B. F	....do	6	.....	..do.....	
129	Haynes, T. J	....do	6	.....	..do.....	
130	Hughes, W. G	....do	6	.....	..do.....	
131	Hampon, James	York	6 and 7	2	Military.	Released on personal recognizance.
132	Hawbright, J. M., jr	....do	6 and 7	2	..do.....	Do.
133	Hancock, John	Chester	.....	2	.....	Bound for trial.
134	Hartlin, Jesse	....do	.....	2	Military.	Do.
135	Hartlin, Holmes	....do	6	.....	..do.....	Do.
136	Hartlin, Adam	....do	.....	.....	..do.....	Do.
137	Hartlin, L. M	York	6 and 7	2	..do.....	Do.
138	Hayes, John	Chester	6	.....	Civil	Discharged by commissioner.
139	Hoderick, Garland	....do	6	.....	..do.....	Bound over for trial.
140	Hoderick, Hazel	....do	6	2	..do.....	Do.
141	Hope, John	....do	6	.....	..do.....	Do.
142	Inman, Elias	....do	6	.....	..do.....	Do.
143	Jamison, Charles	....do	6	.....	..do.....	Committed.
144	Jamison, James	....do	6	.....	..do.....	Discharged by commissioner
145	Jamison, John	....do	6	.....	..do.....	Do.
146	Johnson, Alexander	....do	6	.....	..do.....	Bound over for trial.
147	Jarrett, C. C	Spartanburgh.	6	.....	..do.....	
148	Jennings, Alfred	....do	6	.....	..do.....	
149	Knox, William C	York	6 and 7	2	Military.	Held on charge of participating in murder of Jim Williams
150	Kimbal, Philip	Spartanburgh.	6	.....	Civil	
151	Lancaster, W. L	....do	6	.....	..do.....	
152	Lancaster, Rufus	....do	6	.....	..do.....	
153	Linder, Pinckney	....d0	6	.....	..do.....	
154	Littlejohn, Pinckney	....do	6	.....	..do.....	
155	Littlejohn, Joseph	....do	6	.....	..do.....	
156	Littlejohn, Calvin	....do	6	.....	..do.....	
157	Mason, John	....do	6	.....	..do.....	
158	Mitchell, Columbus	....do	6	.....	..do.....	
159	Millwood, Richard	....do	6	.....	..do.....	
160	Mathis, John	....do	6	.....	..do.....	
161	Martin, Albert	....do	6	.....	..do.....	
162	McArthur, Myamin	....do	6	.....	..do.....	
163	Morgan, Edward	....do	6	.....	..do.....	
164	Martin, B. B	....do	6	.....	..do.....	
165	McKinney, Henry	....do	6	.....	..do.....	
166	Murphy, Henry	....do	6	.....	..do.....	
167	McConnell, T. A	York	6 and 7	2	Military.	Released on personal recognizance.

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EXHIBIT A.—*Names of persons in the State of South Carolina arrested, &c.*—Continued.

PERSONS ARRESTED BUT NOT YET INDICTED.

Number.	Names.	County.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	What authority.	Remarks.
			Sec.	*Sec.*		
168	McDill, Jet	York			Military.	Witness; released on personal recognizance.
169	McGuire, Thomas	Chester	6		Civil	Bound over for trial.
170	McLemore, Lee	do	6		do	Discharged by commissioner.
171	McNally, Thomas	Union	6		do	Do.
172	McLain, Quintaella	York	6 and 7	2	Military.	Bound over for trial.
173	McFadden, H. E	do	6 and 7	2	do	Do.
174	Mendenhall, William	do			do	Released unconditionally.
175	Mitchell, Samuel	do			do	Thirteen years old; released unconditionally.
176	Moore, P. M	do	6 and 7	2	do	Arrested on charge of participating in the murder of Jim Williams; held to await investigation of evidence.
177	Moore, Jacob B	do	6 and 7	2	do	Released on per'l recognizance.
178	Moore, William	Chester	6		Civil	Discharged by commissioner.
179	Moss, J. M	York	6 and 7	2	Military.	Bound over for trial.
180	Moss, Berry	do	6 and 7	2	do	Released on per'l recognizance.
181	Moss, Riley	do	6 and 7	2	do	Do.
182	Moss, William	do	6 and 7	2	do	Do.
183	Moss, Silas	do	6 and 7	2	do	Do.
184	Nolin, William	Spartanburgh	6		Civil	
185	Nicklas, John	York			Military.	Arrested for John Nicholas, and released as soon as error discovered.
186	O'Farrell, ——.	do			do	Arrested in company with William Dobson; both fled; O'Farrel arrested for Dobson and released unconditionally.
187	Osborn, A. B	do	6 and 7	2	do	Bound over for trial.
188	Parriah, James R	do			Civil	Arrested and released by deputy United States marshal. No explanation given.
189	Presely, James	do			Military.	Witness; released on personal recognizance.
190	Plexico, J. E., sr.	do			do	Arrested for J. E. Plexico, jr.; released whe nmistake discovered.
191	Pogan, Robert	Chester	6		Civil	Bound over for trial.
192	Potter, Billy	Spartanburgh	6		do	
193	Potter, Ephraim	do	6		do	
194	Phillips, Ira	do	6		do	
195	Peck, Joseph	do	6		do	
196	Paris, William H	do	6		do	
197	Paris, William C	do	6		do	
198	Paris, Hasel	do	6		do	
199	Paris, John	do	6		do	
200	Paris, Calvin	do	6		do	
201	Paris, Henry	do	6		do	
202	Price, Hugh	do	6		do	
203	Price, Henry	do	6		do	
204	Price, Benjamin	do	6		do	
205	Peck, Asbury	do	6		do	
206	Pope, Thomas	do	6		do	
207	Pearce, Richard	do	6		do	
208	Quinton, Billy	Chester	6		do	Bound over for trial.
209	Ratleree, John	York	6 and 7	2	Military.	State's evidence; released on personal security.
210	Ratleree, James	do	6 and 7	2	do	Released on personal recognizance.
211	Robbins, William	Chester	6		Civil	Discharged by commissioner.
212	Robbins, Birdy	do	6		do	Bound over for trial.
213	Robinson, John H	do	6		do	Do.
214	Roork, R. M	York	6 and 7	2	Military.	Do.
215	Ramsay, Louis	do			do	Arrested by mistake; released.
216	Ramsay, David	Spartanburgh	6		Civil	
217	Ramsay, Columbus	do	6		do	
218	Ramsay, William	do	6		do	
219	Ramsay, C. C	do	6		do	
220	Ray, Philip	do	6		do	
221	Ray, A. C	do	6		do	

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EXHIBIT A.—*Names of persons in the State of South Carolina arrested, &c.*—Continued.

PERSONS ARRESTED BUT NOT YET INDICTED.

Number.	Names.	County.	Violations of act— May 31, 1870.	Violations of act— April 20, 1871.	What authority.	Remarks.
			Sec.	*Sec.*		
222	Robbins, Obadiah	Spartanburgh	6		Civil	
223	Robbins, Henry	do	6		do	
224	Senegga, Tillson	do	6		do	
225	Senegga, Drury	do	6		do	
226	Senegga, Stoball	do	6		do	
227	Senegga, John	do	6		do	
228	Saunders, Simpson	do	6		do	
229	Seag, R. B	do	6		do	
230	Sloan, John	do	6		do	
231	Smith, Levi	do	6		do	
232	Smith, Lee	do	6		do	
233	Simpson, T. F	do	6		do	
234	Spleck, P. L	do	6		do	
235	Stone, W. B	do	6		do	
236	Saunders, Wesley	do	6		do	
237	Stone, Blackstone	do	6		do	
238	Steadman, J. T	do	6		do	
239	Sairvil, Samuel G	York			Military	Released on personal recognisance.
240	Sandefer, Bishop	do	6 and 7	2	do	Turned over to United States marshal.
241	Steele, George E., M.D.	do	6 and 7	2	do	Released on personal recognisance.
242	Steele, Minor	do			do	Arrested for John Minor Moore and released.
243	Stewart, Robert	do			do	Witness; released on personal recognisance.
244	Stewart, Jacob	do			do	Do.
245	Stewart, D. M	do			do	Arrested for Dan'l M. Stewart by mistake.
246	Spencer, W. T	do	6 and 7	2	do	Released on personal recognisance.
247	Sparks, June	Union	6		Civil	Released on bail.
248	Sparks, James	do	6		do	Do.
249	Smith, Bill	Chester		2	do	Bound over for trial.
250	Steen, William	Union	6		do	Discharged by commissioner.
251	Smith, Charles	Chester	6		do	Bound over for trial.
252	Thomasson, David	York			Military	Witness; released on personal recognisance.
253	Turner, Webb	Spartanburgh	6		Civil	
254	Turner, C. P	do	6		do	
255	Tillson, Rufus	do	6		do	
256	Thorn, W. T	do	6		do	
257	Tate, James	do	6		do	
258	Thompson, Mack	Union	6		do	
259	Tinch, John W	do	6		do	
260	Thornton, John T	Spartanburgh	6		do	
261	Vassey, Thomas	do	6		do	
262	Watkins, R. L	do	6		do	
263	Williams, A. J	do	6		do	
264	Williams, W. P	do	6		do	
265	Williams, B. F	do	6		do	
266	Walker, William	do	6		do	
267	Wyatt, R. M	do	6		do	
268	Wood, Eli	do	6		do	
269	White, W. H	do	6		do	
270	Westbrook, W	do	6		do	
271	Walker, Adam T	Chester	6		do	
272	Walker, Green, *alias* Green Davis.	do	6		do	Bound over for trial.
273	Walker, Henry	do	6		do	Discharged by commissioner.
274	Wallace, James H	York	6 and 7	2	Military	Released on personal recognisance.
275	Warlick, J. P	do	6 and 7	2	do	Do.
276	Warren, A. E	do	6 and 7	2	do	Delivered to United States marshal.
277	Wilkes, Hazel	Chester	6		Civil	Bound over for trial.
278	Wilkes, John	do	6		do	Do.
279	Withers, A. S	York			Military	Witness; released on personal recognisance.
280	Wylie, R. W	do	6 and 7	2	do	Bound over for trial.
281	Wright, Joseph	Union	6		Civil	Released on bail.

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Offenses shown by indictments found, November term, 1871, circuit court, on voluntary confes sions and warrants of United States commissioners.

Number.	Offense.	Where and when.	Number of persons concerned.	Violations of act—		Remarks.
				May 31, 1870.	Apr. 20, 1871.	
				Sec.	*Sec.*	
1	Conspiracy against Amyr Rainey, and burglary and assault and battery.	York, Feb. 11, 1871	7	6 & 7	2	
2	Conspiracy against Jim Williams.	York, Mar. 6, 1871	12	6	.....	
3	Same, and murder	do	15	6	.....	Case certified to Supreme Court on certificate of division of opinion betw'n the judges.
4	Conspiracy against Pressly Thomasson, alias Pressly Holmes.	York, Dec. 20, 1870; Mar. 6, 1871.	12	6	2	
5	Conspiracy against Francis Davie.	York, April 1, 1871; April 21, 1871.	3	6	2	
6	Conspiracy against William J. Wilson, (white.)	York, Feb. 1; April 21, 1871.	22	6	2	
7	Conspiracy against Jim Clowery.	York, Jan. 25, and April 21, 1871.	3	6	2	
8	Conspiracy against Isaac H. Postle.	York, Mar. 1; April 21, 1871.	7	6	2	
9	Conspiracy against Gadsden Shule.	York, Mar. 1; April 21, 1871.	30	6	2	
10	Conspiracy against Andrew Sturgis.	York, April 1, 21, 1871	7	6	2	
11	Conspiracy against Sam Sturgis.	York, Mar. 1; April 21, 1871.	7	6	2	
12	Conspiracy against Charles Leach.	York, Dec. 20, 1870; Apr. 21, 1871.	11	6	2	Two of these have been tried and convicted.
13	Conspiracy against Dick Wilson.	York, April 11, 21, 1871	4	6	2	Same defendants.
14	Conspiracy against Hiram Alexander.	York, April 11, 21, 1871	4	6	2	
15	Conspiracy against Charles Good.	York, Dec. 20, 1870; April 21, 1871.	13	6	2	
16	Conspiracy	York, Mar. 1, 1871	16	6	.....	
17	Conspiracy against Abe Ross, *alias* Abe Hall.	York, April 1, 2, 1871	7	6	2	
18	Conspiracy against Isaac A. Postle.	York, Nov. 30, 1871	4	.....	2	Intimidation of witness.
19	Conspiracy and murder of Thomas Roundtree.	York, May 8, 1871	9	6	.....	Same persons committed rape on Harriet Suinil; his house burned.
21	Conspiracy against Minor Bailey.	York, May 5, 1871	4	6	.....	
22	Conspiracy against Alexander Leach.	York, Feb. 1, 1871	11	6	.....	
23	Conspiracy against Jackson McCarter.	York, March 11, 1871	6	6	.....	
24	Conspiracy against John R. Ferris, (white.)	York, Feb. 10, 1871	8	6	.....	
25	Conspiracy and murder upon Charles Good.	York, March 7, 1871	7	6	.....	
26	Conspiracy against Hugh K. Roberts.	York, April 1, 1871	7	6	2	
27	Conspiracy	York, March 1, 1871	3	6	.....	
28	Conspiracy against Henry Latham.	do	8	6	2	
29	Conspiracy against Hiram Littlejohn.	York, March 6, 1871	31	6	2	
30	Conspiracy against Andy Tirus.	York, March 8, 1871	24	6	.....	To prevent him keeping and bearing arms.
31	Conspiracy against Elias Givens.	York, March 1, 1871	8	6	.....	
32	Conspiracy against Moses Bradshaw.	do	8	6	.....	
33	Conspiracy against Willis Adams.	Laurens, Oct. 6, 1871	3	3	.....	

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Offenses shown by indictments found, November term, 1871, &c.—Continued.

Number.	Offense.	Where and when.	Number of persons concerned.	Violations of act—		Remarks.
				May 31, 1870.	Apr. 20, 1871.	
				Sec.	Sec.	
34	Conspiracy	Spartanburgh, Mar. 1, 1871.	15	6	.....	Thirteen pleaded guilty in open court.
35	.....do	.....do	20	6	.....	Seventeen pleaded guilty in open court.
36	Conspiracy against Ben. Phillips.	Spartanburgh, Apr. 1, 1871.	12	6	.....	
37	Conspiracy against Wilson Wilson.	York, Feb. 1, 1871	19	6	.....	
38	Conspiracy	York, April 1, 1871	10	6	.....	
39	Conspiracy against James Plexico.	York, Feb. 10, 1871	15	6	.....	
40	Conspiracy against Brutus Good, George McCheney, Jackson McCheney, and Harry Brown.	York, March 4, 1871	8	6	2	
41	Conspiracy against Hardee Cook, and Samuel Russel.	York, March 7, 1871	5	6	2	
42	Conspiracy	York, March 15, 1871	14	6	.....	
43	.....do	York, March 1, 1871	13	6	.....	
44	.....do	.....do	5	6	.....	
45	Conspiracy against Abner Hambright.	York, June 1, 1871	4	6	2	
46	Conspiracy against and murder of Anderson Brown.	York, Feb. 25, 1871	10	6	.....	Same parties in both cases.
47	Conspiracy against Prince McCauts.	.....do	10	6	2	
48	Conspiracy against John Moss.	York, Jan. 10, 1871	10	6	.....	
49	Conspiracy	York, Mar. 2, 1871	11	6	.....	
50	Conspiracy against James B. Porter and Edward Rose.	York, Feb. 25, 1871	37	6	.....	Raid on county treasury of York County; office broken open, &c.
51	Conspiracy against Bynum Humphries.	Spartanburgh, Apr. 1, 1871.	5	6	.....	
52	Conspiracy against Preston Haskins.	Spartanburgh, Jan. 1, 1871.	4	6	.....	To prevent his bearing arms.
53	Conspiracy against John Genoble.	Spartanburgh, Apr. 16, 1871	1	6	.....	Others concerned unknown.
54	Conspiracy	Spartanburgh, Mar. 1, 1871.	13	6	.....	
55	Conspiracy against Clem Bowden.	.....do	8	6	.....	
56	Conspiracy against Dock Patton.	York, May 14, 1871	10	6	.....	
57	Conspiracy	Spartanburgh, Mar. 1, 1871.	9	6	.....	Seven pleaded guilty in open court; two nol. prossed.
58	Conspiracy and assault and battery on Lucretia Adams and Phebe Smith.	York, May 12, 1871	9	6	.....	
59	Conspiracy against John Wright.	York, Jan. 30, 1871	10	6	2	
60	Conspiracy	York, Apr. 1, 1871	4	6	.....	
61	Conspiracy against Edmund Rainey and Richard Young.	York, May 9, 1871	8	6	2	
62	Conspiracy	Spartanburgh, Feb. 10	10	6	.....	
63	Conspiracy against George W. Ganar, (white.)	Spartanburgh, Mar. 18, 1871	7	6	.....	
64	Conspiracy against John E. Winsmith.	Spartanburgh, Feb. 5, 1871.	3	6	.....	
65	Conspiracy	Spartanburgh, Mar. 1, 1871.	6	6	.....	
66	.....do	Spartanburgh, Mar. 15, 1871	5	6	.....	
67	.....do	Spartanburgh, Feb. 2, 1871.	13	6	.....	
68	Conspiracy against and murder of Jack Dunovant.	Union, Mar. 24, 1871	10	6	.....	
69	Conspiracy	York, April 1, 1871	14	6	.....	
70	Conspiracy against and murder of Alexander Walker and Charner Gordon.	Union, Jan. 4, 1871	4	4	6	
71	Conspiracy against and murder of Mack Bobo, Joseph Van Lew, and Aaron Estan.	Union, Feb. 12, 1871	4	6	6	

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Offenses shown by indictments found, November term, 1871, &c.—Continued.

Number.	Offense.	Where and when.	Number of persons concerned.	Violations of act—		Remarks.
				May 31, 1870.	Apr. 20, 1871.	
				Sec.	*Sec.*	
72	Conspiracy against and assault and battery with intent to kill Hamp. Hicklin.	York, Nov. 20, 1870.....	15	6	.....	
73	Conspiracy against Fortune Ellis.	York, Oct. 6, 1871.....	8	6	.....	
74	Conspiracy against and murder of Mack Bobo, Joseph Van Lew, and Aaron Esten.	Union, Jan. 14, 1871.....	3	6	.....	
75	Conspiracy against and murder of Charner Gordon.	Union, Feb. 12, 1871.....	.....	.....	.....	
76	Conspiracy.....	York, Feb. 20, 1871.....	7	6	.....	
77	Conspiracy against Harry Brown.	York, Feb. 20, 1871.....	7	6	.....	
78	Conspiracy.....	York, Oct. 25, 1871.....	25	6	.....	
79	Conspiracy against and murder of Sylvanus Wright and Andrew Thompson.	Union, Feb. 12, 1871.....	46	6	.....	Same parties as are indicted in No. 71.
80	Conspiracy against and murder of Bill Rertly.	Laurens, Oct. 20, 1870.....	3	6	.....	
81	Conspiracy against and murder of Alfred B. Owens.	Union, Nov., 1871.....	3	6	.....	
82	Conspiracy against Edmund Chalmers.	Newberry, Aug. 22, 1871...	2	6	.....	Shooting and beating of Chalmers.
83	Conspiracy against Thomas Fernandez.	Union, Dec., 1870.....	3	6	.....	
84	Conspiracy against Elias Mitchell.	Edgefield, Aug. 30, 1871 ...	3	6	.....	Shooting Mitchell's wife and beating his daughters.
85	Conspiracy against Alfred Wright.	Union, Dec., 1870.....	9	6	.....	
86	Conspiracy against Eli Sullivan.	York, Feb., 1871.....	11	6	2	Information deriv'd from J. M. McCollough, one of the Ku-Klux-Klan.
87	Conspiracy against Emanuel Hill.	York, Feb., 1871.....	8	6	2	
88	Conspiracy against Harris Good, Dilly Elmore, whipping, &c.	York.....	12	6	2	
89	Conspiracy against Giles Good.	York, May, 1871.....	8	6	2	
90	Conspiracy against Curry Adams.	York.....	7	6	2	Same parties in each case.
91	Conspiracy against Isaac Adams.	York.....	7	6	2	
92	Conspiracy against Tony Wallace.	York, May 1, 1871.....	6	6	2	

NOTE.—The offenses numbered from 1 to 80, inclusive, are those named in the indictments found by the grand jury. The remaining ones are ascertained from information of members of the Ku-Klux Klan, and from affidavits of the victims or those cognizant of the crimes.

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Number and names of those who have been paroled to appear when required, living in York County, South Carolina, and who confessed their connection with conspiracies forbidden and made penal by act of April 20, 1871, or May 31, 1870.

[Their number is 185.]

Their names are—

Philip Sepaugh.
Joseph Leander.
John Ramsay.
William H. White.
John Ratteree.
John Thomasson.
Major Ramsay.
John S. Chambers.
—— Clark.
John B. Mintz.
John S. Mintz.
James E. H. Mintz.
Columbus Wilson.
—— Plexico.
James M. Plexico.
John Lucien McConnel.
Ebenezer E. Castles.
Ira Harden.
Samuel E. Good, *alias* Ayer Good.
Dr. John B. Good.
Robert L. Long.
James M. Hope.
Robert Isler.
James Pickney Ballon.
Frank M. Walker.
Robert Peterson.
Thomas Peterson.
George Brown.
Benjamin Peterson.
Franklin Elmore Hughes.
Leroy Mullinox.
Jacob Curry.
Robert G. Keyser.
Robert C. Kavanagh.
Abe Mitchell.
Edward Rippe.
Benjamin H. Hamrick.
Archibald E. Warren.
James Martin Hambright.
James Rippee.
Jacob S. Earles.
William P. Rippee.
Abel Bungons.
John H. Crawford.
Robinson Wiley.
Drew White.
Daniel Pratt.
Joel R. Smith.
John Dover.
Marshal Davis.
Francis M. Hardin.
John McDaniel.
Edley M. Green.
Henry Green.
Corlis S. Moss.
Stacey Green McAfee.
Riley McDaniel.
Isaac W. Moore, jr.
George H. Martin.
Andrew J. Bridges.
Jefferson Gomer.
Amos Wright Osborne.
Robert Parks.
Charles Garner.
Elijah McSwain.
James Jenkins.
James K. Good.
Thomas M. White.
James A. Saunders, jr.
James A. Saunders.
William Crocker.
James Jemison.
Robert Wallace.
Jackson Wallace.
John Moss.
Pinckney Moss.
Joseph M. Whitesides.
Anderson Hambright.
Miles Howell.
Samuel McCreight.
Jonathan Love.
John Moss.
John W. Smith.
James Edward Good.
Oliver Jenkins.
James M. McCain.
Joseph C. Smith.
Benjamin Talbert.
Henderson Martin.
Hezekiah Griffin.
Alfred Parris.
Jacob G. Stearns.
Hazel Turner.
Moslon Turner.
Joseph Broome.
David R. Macomson.
James F. Pursley.
David M. Williams.

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David Hollander.
John S. Miller.
James Martin.
William S. Byers.
Samuel Blair, jr.
William Isler.
Marcus R. Bird.
William S. L. Bolton.
Nicholas Hollander.
Daniel Dover.
John Bishop Fulton.
William Berry Martin.
James Madison Moore.
Reuben L. Harman.
Andrew J. Stewart.
Gilbraith Hambright.
Thomas Spencer.
David W. Henry.
Thomas P. Whisonant.
Benjamin F. White.
W. H. Mitchell.
John A. Thomas.
Irwin Blair.
Madison Hollander.
Joseph Roork.
Green Roork.
William M. Fulton.
Amaziah Biggers.
James C. Byram.
William B. Byers.
Eli C. Smith.
Joseph E. Guin.
Hanon Hall.
Joseph R. Dickson.
James M. Moss.
James W. Moss.
John M. Howell.
John D. McConnell.
Reuben McConnell.
J. B. Stinson, *alias* J. B. Stevenson.
John T. Burris.
Dr. John P. Hambright.
Adolphus Smith.
William W. Gafney.
John L. Parker.
Joseph Austell.
Cyrus L. Melton.
William J. McGill.
Jeremiah Green.
Charles W. Foster.
James F. Pursley.
David M. Williams.
James McSwain.
Isaac W. Moore.
Thomas Martin.
Samuel W. Gillespie.
R. W. Whitesides.
Francis M. Rhea.
Sylvanus Whitesides.
Herod Neal.
Samuel Gordon.
William N. Gordon.
Jackson Ramsay.
Guion Bolew.
James M. Smith.
James Arrowood.
Lafayette F. Rayfield.
Owen Mathews.
William B. Stewart.
Charles Allen.
Miles McCollough.
Robert A. Caldwell.
Robert L. Brown.
Clinton Jones.
James N. McDill.
John D. Hamilton.
Elias Ramsay.
Stearns Wiley.
Oliver C. Beaugard.
James A. Smith.
Anthony I. Hopper.
Jackson Cowley.
Samuel K. Howell.
Francis W. Moore.
James G. Bober.
William Crawford.
Robert S. Crawford.
James Dillingham.
Henry H. Hollander.
Thomas H. Mullinox.
Alfred T. Hambright.
William Howell.
William Judson Mullinox.
R. A. Haigns.
James Albertus Hope.
James M. Whitesides.
Hamilton Wilson.
W. V. Wilson, *alias* "Kans" Wilson.
Andrew Robinson Henry.
J. Spratt Wright.

EXHIBIT B.

COLUMBIA, S. C., *February* 20, 1872.

SIR: I have the honor to acknowledge the receipt of yours of January

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31, 1872, inclosing a copy of a resolution of the House of Representatives asking certain information in regard to the enforcement in South Carolina of the act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes, approved April 20, 1871, and the act of May 31, 1870; and requesting that I will, as early as practicable, obtain and transmit the information asked for.

In reply, I have the honor to inclose a report showing the names of persons arrested in South Carolina, in pursuance of the authority conferred by act of Congress approved April 20, 1871, and of those who have been arrested for violations of said act, and of the act of May 31, 1870, with the names of those who have voluntarily confessed that they were members of the combinations and conspiracies forbidden and made penal by said act, &c., called for by the resolution of the House of Representatives, January 25, 1872.

It will be noticed that this report contains:

First. The number and names of persons tried by jury at the last November term of the United States circuit court for this district, also the number and character of the indictments against each of them.

Second. It contains the number and names of those who voluntarily confessed in open court their connection with the Ku-Klux Klan, and plead guilty to the indictments accordingly. Also the number and character of the indictments against them, and the sentences imposed upon them by the court.

Third. The number and names of parties indicted but not tried, the number of indictments against each and the character of those indictments.

Fourth. The offenses committed as shown by the bills of indictment found by the grand jury at the last November term of the United States circuit court, by the voluntary confessions of members of the conspiracy, and by warrants issued by the United States commissioners, where and when committed, number of persons concerned in each offense, as far as known and the character of the offense.

This report has been made up from records in my office, and conveys a correct idea of what has been done in the United States circuit court for this district, and the condition of the causes to-day. * * * *

I regret that I am unable, and I doubt whether it is possible, to furnish the number and names of *all* persons who have confessed their connection with the Ku-Klux Klan. When the arrests commenced, in October last, in York County, a general panic existed among the Klans, and large numbers of them appeared at the headquarters of Major Merrill, commanding the post at Yorkville, and confessed their connection with the order; the number was so great, and the labor of taking their confessions so great, that I have no doubt that a great many returned to their homes without having their confessions recorded. I inclose a list of persons who made confessions to me, and were paroled to appear when required, so far as I was able to take them.

Their confessions are in my possession. The persons named in this list are mostly residents of York County, South Carolina. Their offenses cover 1870 and 1871.

I have a great deal of information by way of affidavits, &c., implicating parties in * * * * * *
but of such a character that I do not deem it advisable at present to communicate it.

* * * * * * *

Disclosures would be very detrimental to the public service * *

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There is a great anxiety existing at the present time on the part of members of the Ku-Klux Klan in this State as to whether prosecutions commenced against them are to be continued; and there is also great anxiety manifested on the part of the victims of the Ku-Klux outrages, as to whether they are to have an opportunity to tell the story of their wrongs. I do not think that at the present time the Klan is operating to any extent. The prosecutions heretofore instituted have had a very demoralizing effect upon them.

Orders were given last summer to the Klans, by the chiefs and higher officers, to desist from further attacks upon the colored people *for the present.*

This order was given under the apprehension that the Government of the United States was about to declare war upon them. At the time the order was circulated among the Klans it was distinctly understood and fully discussed that they must desist *for the present* from further outrages upon the colored people, but when the *storm blew over*, and *before the next election*, they were to be allowed to resume operations.

Such is my information, and it is derived from so many sources that I have no doubt of its credibility. In regard to the execution of the State laws, I have to say that not a single instance of successful prosecution of a Ku-Klux outrage in any State court has come to my knowledge. On the other hand, I have heard of several attempts to prosecute; but in each instance there was a lamentable failure. Unquestionably the laws of this State, if they could be enforced, furnish ample means for the prosecution and punishment of these Ku-Klux outrages; but from the nature of the offenses, and the number of the white inhabitants engaged in them, it is utterly impossible, in my judgment, to successfully prosecute in the State courts in any of the counties.

As to the prosecutions in the United States courts, it will be seen by you that the courts, as at present constituted, are entirely inadequate to try them. At the last term, which, however, in some respects, may be regarded as an exception, on account of the novel character of the questions involved, there were but five jury trials. The term of the court lasted from the 27th of November to the 11th of January. In addition to the number of persons tried, however, some 52 or 53 plead guilty. It is probable that no such amount of time will be spent in the trial of causes in the future. The next term of the United States circuit court in this State is to be held at Charleston, on the first Monday of April next, and the vigorous prosecution of these causes will be there resumed.

But that term of court will last, probably, from four to six weeks only, and will be able to dispose of but a fraction of the causes that are now ready and waiting for trial, and which ought by all means to be tried. What causes are not then tried will necessarily go over to the next November term, to be held at Columbia, South Carolina.

It must be apparent that the present facilities for bringing the Ku-Klux causes to trial are utterly inadequate, and Congress ought to afford some more speedy and effective means. It must do so or permit most of the prosecutions to fail.

I am, very respectfully, your obedient servant,

D. T. CORBIN,
United States District Attorney, South Carolina.

Hon. GEORGE H. WILLIAMS,
Attorney General United States.

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NORTH CAROLINA.

EXHIBIT C.

The following-named persons were convicted or plead guilty in United States courts in North Carolina for violations of the provisions of the act of Congress approved April 20, 1871, and the act of Congress approved May 31, 1870:

1. Randolph A. Shotwell; imprisonment, 6 years; fine, $5,000.
2. Amos Owens; imprisonment, 6 years; fine, $5,000.
3. David Collins; imprisonment, 4 years; fine, $500.
4. Adolphus Depriest; imprisonment, 2 years; fine, $500.
5. Geo. Holland; imprisonment, 2 years; fine, $500.
6. Wm. McEntire; imprisonment, 2 years; fine, $500.
7. William Teal; imprisonment, 3 years; fine, $500.
8. Spencer K. Moore; imprisonment, 6 months; fine, $500.
9. D. B. Fortune; imprisonment, 6 months; fine, $500.
10. Wm. Seniggs; imprisonment, 3 months; fine, $500.
11. James Sweazy; imprisonment, 2 years; fine, $500.
12. Wm. Depriest; imprisonment, 2 years; fine, $500.
13. A. Depriest; imprisonment, 2 years; fine, $500.
14. Barton Biggerstaff; imprisonment, 2 years; fine, $500.
15. Lawson Teal; imprisonment, 2 years; fine, $500.
16. Leander Toms; imprisonment, 1 year; fine, $500.
17. Alfred Biggerstaff; imprisoment, 1 year; fine, 100.
18. Alvin Johnson; imprisonment, 1 year; fine, $50.
19. Samuel Goforth; imprisonment, 6 months.
20. Michael Grigg; imprisonment, 6 months.
21. Daniel B. Fortune; imprisonment, 6 months.
22. Peter Baxter; imprisonment, 1 year; fine, $50.
23. Henry Baxter; imprisonment, 1 year; fine, $50.
24. John Stainey; imprisonment, 6 months.
25. Jacob Wilson; imprisonment, 6 months.
26. A. Singerfelt; imprisonment, 6 months.
27. Daniel McCown; imprisonment, 6 months.
28. Albert Lackey; imprisonment, 1 year.
29. Daniel Fortune; fine, $50.
30. Taylor Carson; fine, $50.
31. Oliver Carson; fine, $50.
32. Stanley Haynes; imprisonment, 6 months.
33. Daniel W. Grigg; imprisonment, 6 months.
34. Isaac Padgett; imprisonment, 6 months.
35. Taylor Thorn; imprisonment, 1 year.
36. G. W. Holland; imprisonment, 2 years.
37. Samuel Biggerstaff; judgment suspended at request of prosecutor.

In addition to the above, the following-named persons were indicted for violations of the same provisions:

Frederick A. Shotwell.
James Edgerton.
Calvin Teal.
William Tanner, jr.
William Alexander.
Watt. Grigg.
William Jones.
Michael Grigg.
John Grigg.
Drury Loudon.

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Abram Fostenburg.
Crook Lee.
Franklin Lee.
William Webster.
John D. Goode.
Wellington Hicks.
Richard Hanes.
Thomas Hanes.
Gaither Traitt.
Fabius Jenkins.
George W. Troutt.
Charles Webster.
John Witherow.
Jason Witherow.
John Calton.
Joseph Depriest.
Oliver Carson.
Benjamin Fortune.
Thomas Fortune.
Joseph Fortune.
Thomas Toms.
Daniel Fortune.
Amos Harrill.
Aaron Biggerstaff.
Randolph Depriest.
Marcus Tucker.
Benjamin Gould.
Joseph Wilson.
Alfred Earley.
Lloyd Earley.
James McDaniel.
Joseph McDaniel.
Achilles Durham.
Jonas Bedford.
David Mitchell.
James Caboniss.
Frank Clark.
James Gribbles.
David McIver.
Haywood Bobbitt.
Benton Knight.
James H. Knight.
Joseph Clark.
James B. Burgess.
P. M. Pendergrass.
M. M. Wilson.
Robert Rheinhardt.
A. L. Yoder.
Daniel Gould.
William Covington.
Berry Humphries.
Killis Durham.
Benjamin I. Fortune.
Richard W. Taylor.
John Vestal.
Halley Hart.
William Johnson.
Nicholas Stone.
Joseph Watson.
John H. Smith.
Thomas J. Fugua.
John Knight.
Borie B. Douglass.
Abner Kelly.
Charles Gilchrist.
John Hunter.
Anderson Dickens.
Bird Kelley, *alias* Abner Kelley.
John C. Witherow.
James Hunt.
James Gatlis.
Harris Bishop.
John Cale.
John Shane.
Alexander McNeill.
William L. Johnson.
Will Stewart.
Handy Matthews.
Alexander Love.
Aaron Ligman.
Adolphus Ligman.
Marcus Linn.
Reuben Yoder.
Harry Johnson.
Thomas McIntyre.
Robert Horton.
Ambrose Mills.
Ladson Mills, jr.
John Goode, jr.
Joseph Bostic.
Daniel Reat.
Francis M. Hord.
William D. H. Covington.
Thomas Covington.
Reuben Covington.
Thomas Tucker.
William Southered.
Pinckney Cabaniss.
Jonas Hurst.
Martin Gatlis.
Boot Haines.
James Wright.
Daniel Martin.
Timothy Jolly.
Luther Bean.
Edley Latimore.
John Nicholson.
Ab. Wright.
Thomas Jolley.
Pryear Jolley.
Docto Jolley.
Richard Jolley.

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Stanford Jolley.
Franklin Green.
Scofford Green.
James Bridges.
James Surratt.
Drury Lee.
Osbourn Lee.
Angus Nicholson.
D. O. Green.
Gameroell Lee.
Benj. Green.
George McSwain.
W. H. Green.
John Cooley.
N. T. Thorn.
G. D. Goode.
Amos McCombs.
Jocy McCombs.
Asberry Simmons.
M. W. Simmons.
Thomas J. Campbell.
Henry Jenkins.
James Upchurch.
Rom Douglass.
John McNeal.
Bus Gilmore.
William Bain.
Charles Hunter.
John Britton Smith.
William Robinson.
Daniel Codgell.
Daniel T. Howell.
Daniel E. Humphrey.
Joseph G. King.
Henry Caul.
Crawford Green.
Angleson Nicholson.
Oliver Green.
Reuben Wilson.
Wm. W. Beard.
Luico Mitchell.
Plato Durham.
Benj. F. Logan.
Marion Hoard.
J. O. Martin.
Pink Jackson.
Samuel Eskridge.
Pink Prior.
Angus Fortenbury.
William Crowder.
William Cabaniss.
Press Mayfield.
Joseph Bean.
Drury Covington.
R. A. Fortenbury.
William Louther.

George Cabiness.
John Willey.
Frank Willey.
Anderson Williamson.
Lafayette Williamson.
Pearson Williamson.
Harrison Eskridge.
Albert Eskridge.
Webb Eskridge.
John McKee.
Perry Gould.
John Powell.
Jack Magniss.
Rufus Magniss.
William Horn.
George Parker.
C. Deadman.
Sidney Weathers.
Samuel Weathers.
Richard Hoard.
Benton Knight.
James Henry Knight.
Wesley Knight.
James H. Orr.
Sam'l P. Smith.
S. B. Meacham.
Miles S. Wrester.
John W. Wadsworth.
Chas. W. Alexander.
A. A. Martin.
Chas. H. Elms.
Sam'l B. Smith.
Henry Chancey.
George T. Durham.
Cicero Bell.
John Colvin.
Joseph Pinen.
Jacob Magness.
Jonas Vassey.
Elias Burnette.
Judge Edwards.
King Edwards.
Robert P. Scruggs.
Asberry Pick.
Othello Martin.
Matthew Burke.
Peter Camp.
Charles Tate.
Clayton Camp.
Aaron Ezell.
James Goode.
Thomas Davis.
William Coharan.
Israel Champion.
William Holt.
James T. Wilkins.

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John Phillips.
Thomas McIntyre.
William McIntyre.
Alex. McIntyre.
Logan Hampton.
Harvey Cabiniss.
Lot Long.
Ladison A. Mills, jr.
William Ambrose Mills.
Robert Hurst.
Moran Rollins.
Julius Fortune, jr.
William G. Troutt.
George W. Troutt.
George Doggett.
Joseph Bostick.
John Bostick.
William Wilson.
George Scott Goode.
William B. Hanes.
Edward Cooley.
William Cocherane.
William Thomas McEntire.
William G. Edgerton.
Joseph B. Cabiniss.
Pink Petty.
W. A. Prior.
John Justiss.
Shelton Weaver.
Thomas Rudicill.
Monroe Beatty.
Preston M. Mayfield.
Elias Hambrick.
John Green.
Thomas Barnette.
Berry Green.
John Hambrick.
W. B. Green.
Thomas Walker.
John Blackwell.
David Henderson.
William Walker.
William Henderson.
M. C. Cash.
James Jiles.
David Cochran.
Noah Gwinn.
James Copeland.
John Jiles.
B. Hall.
Chesterfield Feagins.
J. S. Blanton.
John Wood.
Marcus Blackwood.
Henry Green.
Doctor Burns.
Perry Ramsay.
Wiley Walker.
John C. Camp.
John Duncan.
Philan. Jiles.
Jonathan Whitesides.
Thomas S. Elliott.
Logan Whitesides.
N. C. Nobbett.
Simpson Gilbert.
John Williams.
Joseph Early.
John Grant.
Samuel Williams.
James Lancaster.
Peter Z. Baxter.
John King.
William Hull.
Hosea Chapman.
John Stamey.
Washington Pendleton.
John Barnes.
Jacob Wilson.
Albert Lackey.
David Hail.
Christopher Felmoth.
Henry Baxter.
John Baxter.
Daniel McCown.
Adolphus Sheth.
Andrew Lingerfelt.
Haffley Hall.
Madison McBrayer.
G. Not. Troutle.
James Wilkins.
William Bowen.
Emil Green.
Saylor Murson.
Weldon Toms.
Minter Hill.
Oliver Wood.
Coran Rollins.
Thompson Barnett.
Dickson Green.
James Green.
John Green.
William Green.
Edward Hambrick.
Amos Hambrick.
John M. Sperlin.
Franklin Bridges.
Crayton Padgett.
Romulus Webb.
Benj. Spurlin.
Reuben Bridges.
John Gold.

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James A. Harrill.
Franklin Hoffman.
Caleb Letzer.
Carr Letzer.
George Fincannon.
Lewis Witherspoon.
Thomas Letzer.
Charles Letzer.
Manly Letzer.
William Teagle.
James J. McDaniel.
James Harrill.
Franklin Boyd.
Franklin Propst.
Pinkney Bumgardner.
Noah Letzer, *alias* Noah Fry.
Daniel Miller.
Albert Suine.
John Witherspoon.
Noah Orut.
George Blankenslip.
Benton Clominger.
Ekam Propst.
M. Hewett.
Henry Wilson.
Albert Keisey.
Reuben Keisey.
Mark Loftin.
John Carpenter.
Pinkney Carpenter.
Anderson Finger.
David Newton.
Ebenezer Newton.
Marcus Boyd.
Winfield Boyd.
Luther Boyd.
Pinkney Mooney.
Sylvanus Wakerman.
John Clifford.
Calvin Carpenter.
Reuben P. Kirsey.
Sylvanus Workman.
Martin Loftin.
George Clifford.
Madison Bridges.
Jackson Hughes.
William Davis.
Alvin Johnson.
William Lovelace.
William Hughes.
Druly Hughes.
Columbus Martin.
Joseph Walker.
Samuel Bridges.
Amos Bridges.
Peter Ransom.
Govan Bost.
John Bumgardner.
Cain Bost.
Noah Wike.
Asa Green.
Martin Beam.
Willy Wilson.
Perry G. Humphreys.
George B. Prewett.
William Ledbetter.
Lew Burns.
Thomas Goforth.
George Goforth.
John Goforth.
Willis Green.
Henry Yount.
Britt Chester.
Samuel Brinkley.
Daniel Cohill.
Noah Holleman.
Elbert Roy.
John Dodd.
Jackson Anderson.
William Tounson.
James Gould.
Benjamin Honeycutt.
Edley Woodward.
William Ray, sr.
James Gardner.
James Medcalf.
John Moss.
J. M. Dyke.
Lee Dunlop.
Pinkney Wilson.
Starling Gill.
Edward Bost.
Henry Lovelace.
Dallas Ramsay.
Robert Jervis.
Robert Newton.
Joel Jervis.
Robert Anderson.
Adam Reaf.
Hosea Whitmore.
Pinkney Bradburne.
Osburn Wilson.
Henry Yoder.
Sidney Yoder.
Joseph Fry.
Max Huffman.
Murchinson Loftin.
George Hoke.
George Caldwell.
Julius Carpenter.
J. L. Evans.
William Burnett.

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John Burnett.
A. Lancaster.
W. B. Mills.
Rufus Evans.
Wiley Lauton.
S. Whitesides.
Charles C. James.
William Ledbetter.
Thompson Burnett.
George Hambrick.
J. B. McDaniel.
J. M. McDaniel.
Crayton Spurlin.
John S. McDaniel.
James McDaniel.
Govan Boss.
James Gibson.
George Moore.
Franklin Hofman.
Hugh Pence.
Com Moore.
Rom. A. McEntire.
Com. Rollins.
John D. Goode.
Edward Cooley.
James Dany.
Thomas Sweazy.
Thomas Smart.
James Yates.
Christopher James.
Asa Blanton.
Lafayette Suttles.
Christopher Beal.
Jones Finger.
Lafayette Keener.
Adolphus Abernathy.
Lafayette Abernathy.
John Marshall.
Marcus Lynn.
Noah Hallman.
Jos. Childers.
Chifas Simmons.
John Seagle.
Pinkney Little.
James Boles.
Caleb Hobbs.
Christ. Beal, (son of Ben. Beal.)
William C. S. Wood.
Ellison Wood.
Jonathan Green.
James S. Wood.
Richard L. White.
Claveling Wood.
Sampson Scruggs.
Oliver C. Homes.
Edward C. Homes.
James Davis.
James P. Davis.
Kinnord T. Davis.
Joseph T. Wood.
Thompson J. Wood.
Wesley Lavender.
Dobbins McCraw.
Milton Watkins.
Joseph McCraw.
David L. Vassey.
John Goode.
Thomas Wood.
Ambrose Keener.
Alonzo Amey.
John Hedrick.
Henry Barry.
Benjamin Williams.
Norman Johnson.
William Lawrence.
Nathan G. Burns.
James W. Lashley.
John A. Burt.
Swan B. Woodey.
A. J. Woodey.
William Brown.
Thomas Case.
Can Hawkins.
Andrew Plemmons.
Simpson Weeks.
Gabriel Boyd.
Gabriel Boyd, jr.
Hiram Honeycutt.
Mack Bailey.
James McKinzie.
Junius McKinzie.
James R. Reynolds.
Charles C. Crumpler.
William H. Parker.
John Parker.
Reddin Honeycutt.
Berry Honeycutt.
Melvin Bass.
John A. Tew.
Lawson Tew.
Franklin Tew.
Martin Tew.
Olin Lackamey.
Rayford Royal.
Hardy Royal, (son of John H. E. Royal.)
Olin Royal, jr.
Thomas Warren.
Robert Weeks.
Wiley Noler.
William Britt.
Franklin Hartgrove.

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Joshua Pass.
Burnett Andrews.
Abraham Brewer.
James Pass.
William Odum.
William Hare.
Cicero Turner.
Burwell Andrews.
Charles Turnage.
George Wiggins.
John Knowles.
Isham McClain.
Richard Bass.
John Can.
Isaac Goodrich.
Joseph Royal.
Franklin Hargrove.
Burnett Andrews.
Gatnet Royal.
Owen Holmes.
Almon A. McCoy.
William Boone.
James Andrews.
Lewis Andrews.
Bryan Andrews.
Rufus J. Baty.
Erastus Baty.
Henry Elmore.
William Elmore.
Charles Bradley.
William Allen.
Robert Harris.
William Rankin.
Rufus Knight.
James Knight.
Alfred Bradly.
F. A. Strudwick.
Milton Craig.
Nathan Strong.
William Andrews.
George Workman.
John Cotes.
James Watson.
Thomas Cottrell.
Wayne Garrett.
J. Burton Smith.
Devotion Davis.
Reede Frey.
William Lathey.
Orrin Jones.
William Black.
William Frye.
Cary Godwin.
Daniel McCellon.
Roderick Bryan.
William A. Slone.
Neill Harrington.
Thomas Brady.
Daniel Bryan.
Robert Watson.
Archibald Wicker.
Daniel Robertson.
Jesse Bryan.
Wesly Slone.
John D. Gunter.
Murchison McIver.
Murdock McFerron.
Levy M. McAffee.
Bumel B. Blanton.
Thomas Holland.
Reuben Bridges.
Ab. Suttles.
Julius Ray.
Frank Wiley.
Alberton Elliott.
Charles Washburn.
John Hardin.
F. M. Heard.
Fayette Williamson.
William Souther.
Toliver Lewis.
Philip Watkins.
John Alexander.
James Rusel.
Aaron Duncan.
David Schenck.
Calvin Carpenter.
Thornton Martin.
Anderson Finger.
Mark Loftin.
Pinkney Mooney.
John Clifford.
O. P. Bost.
John Ligman.
Adam Reap.
Franklin leard.
David Keistler.
John Conrad.
P. C. Rudicill.
Daniel Shuford.
John Propst.
Philip Hail.
Alfred Jarrett.
John Copperwing.
Franklin Kiestler.
Eli Stan.
Pinkney Cline.
Philip Couelter.
Abe Stan.
Jacob Huffman.
Marens Huffman.
Pinkney Wilson.

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Jacob Gilbert.
John Hoover.
Franklin Smith.
Salathiel Bolch.
John Bolch.
M. M. Wilson.
Julius Helton.
John C. Sharpe.
Able Frye.
John Whitner.
Washington Ransom.
Enos Campbell.
Jacob Rudesill.
Henry Rudesill.
Benjamin Whitenis.
Philip Gilbert.
Hozzy H. Whitemer.
Adolphus Whitemer.
Austin Wilson.
George Rabb.
Brok Self.
John C. Warlick.
Henry Warlick.
David Warlick.
Lona Carpenter.
John Raider.
John Rhodes.
John A. Hamblette.
Jefferson Sanders.
Eli Ransom.
Daniel Hoover.
Pinkney Frye.
James Frye.
Frederick Frye.
N. D. Lutz.
Alonzo Lutz.
Benjamin Lutz.
Fields Rink.
Nelson Kiver.
Charles Alexander.
Wallas Thomburg.
G. W. Caldwell.
Rufus Self.
Monroe Coulter.
Thomas Wolfang.
Christopher Conner.
Jonas Baker.
Aaron Beam.
John Beam.
James Hendricks.
Marcus Whitener.
Lawrence Miller.
Daniel Whitener.
Marcus Lynn.
Adolphus Propst.
John Seagler.

Sidney Ward.
Jasper Deal.
John Marshal.
Chick Alexander.
James Bowles.
Sephus Simmons.
Poly Hefner.
Hiram Miller.
Zeph Young.
Harvey Calviniss.
George M. Whitesides.
Thomas McIntyre.
Jesse Elliott.
R. M. Robertson.
Patrick Rafter.
John Giddings.
George Lynch.
Jonathan Nichols.
Sebron Elliott.
Edward Bryan.
Harvey Taylor.
Albert Huffmaster.
Lox Long.
Bud Forney.
Julius English.
R. T. Engle, (or Ingle.)
Bryan Blankenship.
L. J. Philips.
Nash Blankenship.
Noble Surratt.
Jesse Person.
W. B. Hughes.
D. B. Hughes.
Buryl Blanton.
Antony Hopper.
Melin Hopper.
William J. Hicks.
David Cochran.
Josiah Blanton.
Richard Whit.
B. T. Price.
Stephen Splaner.
Luther Lancaster.
Robert Cash.
Patillo Robbins.
William Simmons.
Decatur Lancaster.
Allen Lancaster.
Alfred Davidson.
David Cudd.
Crayton Pope.
James Ezell.
Lawrence Robbins.
John Simmons.
Joseph Cudd.
Robert Cudd.

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Thomas Cudd.
McSwain Dix.
Garvey Hines.
Sanford Lea.
Thaddeus Splasor.
F. G. Brice.
James D. Carpenter.
Watson Painter.
Hamilton Cudd.
John Alexander.
James Wall.
Wilson Cantwell.
Henry Cantwell.
Thomas Littlejohn.
Eli Storr.
Francis Snyer.
Henry Wilson.
James Gibson.
Allen Littlemire.
Sidney Houston.
David Abernathy.
Howell Harris.
Thomas Martin.
E. G. Bost.
George Thornburg.
Starr Gill.
Almer Snyer.
Jesse Penland.
H. T. Crawford.
George Robertson.
William Robertson.
Henry Holcomb.
James Roberson.
Franklin Merrill.
Columbus Waldrop.
Arcemus Carter.
Liff Roberts.
Robert Sams.
Berton Callahan.
Mitchell Norton.
Daniel Duryeh.
John Waldrop.
William Ray, sr.
Lawrence Harris.
Jesse Dodd.
Elbert Radford.
Erwin Radford.
James Gardner.
Abner Rouder, (or Rowder.)
Henry Metcalf.
Wesley Angle.
Isaac Brigman.
Elbert Ray.
John Miller.
Kelso Buckner.
R. V. Penley.
Erwin Durek.
Robert Dick.
James Angle.
James Ray.
William Ray, jr.
James Ray.
Bayless Ray.
William Boone
Wiley Boon.
S. W. English.
S. J. Phillips.
Henry Hambling.
William Callahan.
J. M. Sams.
Green Sams.
Robert Jervis.
James Johnson.
Edward Ramsay.
William Marchbanks.
Albert McIntosh.
John H. Ray.
Elbert Metcalf.
Wellington Ray.
Dave Anderson.
Jesse Anderson.
Wesley Powder.
William D. Powder.
La Fayette Penland.
Noble Horton.
Perry Stewart.
Cicero Shepard.
Neal Roberson.
John Roberson.
Burgey Meaney.
John Mayoney.
Presley Blankenship.
Miller Blankenship.
Calvin Blankenship.
Joseph Allin.
Benjamin Allin.
John Allin.
William Love.
George Edney.
Thomas Elkins.
Robert Piercey.
Jonas Blankenship.
John Hilton.
Daniel Shuford.
James Wilfong.
J. M. Moseley.
W. O. Handson.
John Evans.
Joseph Dillinger.
Rufus Cassell.
John Black.
Epherham Dillenger.

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John Dillinger.
Caleb Hobbs.
James Seigle.
W. M. Hull.
N. L. Baxter.
P. P. Bess.
J. A. Lockey.
O. B. Jenkins.
T. O. Lockey.
William Fite.
Andrew Cox.
Duncan Cox.
Sandy Cox.
Loe, (*alias* Zachariah Cox.)
James M. Leach.
David Loftin.
R. W. Thomas.
David Lambeth.
Harrison Lambeth.
J. T. Hambrick.
John Hambrick.
John Lambith.
Addison Leach.
R. G. Barrett.
William Foster.
John A. Mock.
William Moore.
Noble Jolly.
B. Blanton.
Charles Blanton.
James W. Hambrick.
A. P. Wright.
Mat. Ellison.
Shields Ellison.
D. S. Lovelace.
James Champion.
Young Hambrick.
Josiah Turner.
981 persons indicted.

EXHIBIT D.

OFFICE UNITED STATES ATTORNEY,
Salem, North Carolina, February 24, 1872.

SIR: * * * * * * *

These indictments are for conspiracies to commit deeds of violence or terror, to deter and drive from the ballot-box Union men, and to destroy the freedom of elections, to enable the enemies of the Union, through their secret, oath-bound, midnight organizations, to obtain (without open revolt) as complete and effectual control over the State as they maintained by open warfare during the rebellion.

The evidence in these cases discloses the horrid facts of the tearing of fathers, sons, and brothers from the bosom of their families at the hour of midnight, and the infliction upon their naked flesh of the torture and the lash, the brutal exposure of helpless females, and, occasionally, the commission of murder by bands of disguised men, to make their intimidations the more emphatic.

Indeed, every means which the most fertile imagination of these fiendish monsters and enemies of the Union could invent have been resorted to to inspire the Unionists with fear and terror, and to destroy their freedom of thought, action, and manhood.

Had it not been for the passage of said acts of Congress, and the active enforcement of them, the spirit of treason would to-day revel in high carnival over the entire South, and effectually crush out and overawe the Union sentiment of the southern country, as it did in the days of the rebel government.

But the conviction of a number of these persons, and their punishment, and the indictment of this large number of others, together with the exercise, by the President, of the right to suspend the writ of *habeas corpus* in such localities where treason has usurped such dominion as to render the civil authorities powerless or insufficient to enforce the law, seem for the present to have broken the power of this wide-spread con-

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spiracy against the friends of the Union in the South. Yet the utmost vigilance in the rigid enforcement of these acts of Congress is and will be necessary to suppress the spirit of treason lurking in the hearts of the disaffected and treacherous enemies of the Government, and to preserve the freedom of the citizen in the full and free exercise and enjoyment of the elective franchise, and the rights and immunities of citizenship.

I am, very respectfully, yours, &c.,

D. H. STARBUCK,
District Attorney for North Carolina.

Hon. GEORGE H. WILLIAMS,
Attorney General United States, Washington.

EXHIBIT E.

OFFICE UNITED STATES ATTORNEY,
SOUTHERN DISTRICT MISSISSIPPI,
Jackson, Mississippi, February 17, 1872.

SIR: In obedience to the request contained in your letter of the 1st instant for a report in regard to the enforcement of the acts of May 31, 1870, and April 20, 1871, in this district, I submit the accompanying list of cases, with the offense charged in each, from the dockets of the circuit and district courts of this district. The district court is now in session, and I have just entered upon the first trial of a case under the sixth section of the act of May 31, 1870. It is the case of L. D. Belk, and constitutes one of a series of cases growing out of the Meridian riot.

* * * * * * *

The execution of the two acts has been of very marked benefit to this district. It has made evil-disposed persons sensible of a power capable of reaching them. Under the State laws, it must be confessed, the administration of justice had become debased and fallen into contempt. The acts in question have done nothing to change that condition. If the cases which have been brought under these acts could be sustained, it were a matter of congratulation to this people. Otherwise, unless new laws can be immediately devised to suit our condition, the consequences will be deplorable.

The offenses committed in this State, calling most loudly for the interposition of a power to arrest them, are deliberate deeds of violence against the life, liberty, or property of citizens, resulting from unbridled passion and prejudice. The cases proceeding from prejudice are the most common, and an effort has been made in this and the northern district to bring them under the sixth section of the act of May 31, 1870.

* * * * * * *

The acts referred to found this in an exceedingly disturbed condition, which offered great temptation to put them in force. The public also seemed to take it for granted, from the popular name of the acts at least, that every deed of violence, where disguise was used, was specially intended to be reached by the statute.

* * * * * * *

Nevertheless, such cases continually recur, though their number has considerably abated, and are likely to become more frequent than ever if the Supreme Court should deny the Federal jurisdiction over them.

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The major number of the cases herewith reported are conspiracies to injure a citizen "because of his having exercised" the right of freedom of speech.

* * * * * * *

I will have a number of indictments under the fifth section of the act of May 31, 1870, before the present term closes. In view of the plain intent of Congress in this section, comment upon it may not be proper.

Very respectfully,

E. P. JACOBSON,
United States Attorney.

Hon. GEORGE H. WILLIAMS,
Attorney General of the United States.

MISSISSIPPI, SOUTHERN DISTRICT.

List of names of persons who have been indicted in the circuit and district courts for violations of the enforcement act.

1. Ric. Kirk, violation sections 6 and 7, enforcement act.
2. R. W. Cheatham, violation sections 6 and 7, enforcement act.
3. Thomas Evans, violation sections 6 and 7, enforcement act.
4. James Fulton, violation sections 6 and 7, enforcement act.
5. Richard Evans, violation sections 6 and 7, enforcement act.
6. John Evans, violation sections 6 and 7, enforcement act.
7. Lewis Deal, violation sections 6 and 7, enforcement act.
9. James Fulton, violation sections 6 and 7, enforcement act.
10. Thomas Kieth, violation section 6, enforcement act.
11. Eugene Carlton, violation section 6, enforcement act.
12. Mat. J. L. Hoy, violation section 6, enforcement act.
13. Wm. McFadden, violation section 6, enforcement act.
14. Henry Jones, violation section 6, enforcement act.
15. R. W. Cheatham, violation sections 6 and 7, enforcement act.
16. Lemuel Davis, violation section 6, enforcement act.
17. Isaac Adams, violation section 6, enforcement act.
18. Frank Lindley, violation section 6, enforcement act.
19. Richard Evans, violation sections 6 and 7, enforcement act.
20. C. D. Kirk, violation sections 6 and 7, enforcement act.
21. Lewis Deal, violation sections 6 and 7, enforcement act.
22. John Evans, violation sections 6 and 7, enforcement act.
23. Thomas Evans, violation sections 6 and 7, enforcement act.
24. William McFadden, violation sections 6 and 7, enforcement act.
25. Henry Jones, violation sections 6 and 7, enforcement act.
26. Eugene Carleton, violation sections 6 and 7, enforcement act.
27. Thomas Keith, violation sections 6 and 7, enforcement act.
28. Mat. J. L. Hoy, violation sections 6 and 7, enforcement act.
29. Newton E. Culver, violation sections 6 and 7, enforcement act.
30. Neil Travis, violation sections 6 and 7, enforcement act.
31. Vanden McDaniel, violation sections 6 and 7, enforcement act.
32. Mack Dyke, violation sections 6 and 7, enforcement act.
33. Weldon Easley, violation section 6, enforcement act.
34. Charles Williams, violation section 6, enforcement act.
35. William Causey, violation section 6, enforcement act.
36. Henry Broomfield, violation section 6, enforcement act.
37. Lewis Broomfield, violation section 6, enforcement act.

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38. Joseph Sibley, violation section 6, enforcement act.
39. Alexander Lee, violation section 6, enforcement act.
40. D. C. Walker, violation section 6, enforcement act.
41. Isaac Adams, violation section 6, enforcement act.
42. Moses Adams, violation section 6, enforcement act.
43. Henry McSwann, violation section 6, enforcement act.
44. R. L. Henderson, violation section 6, enforcement act.
45. R. J. Mosely, violation section 6, enforcement act.
46. W. D. Skinner, violation section 6, enforcement act.
47. Wiley Coleman, violation sections 6 and 7, enforcement act.
48. James A. Brantley, violation sections 6 and 7, enforcement act.
49. Edward Shackleford, violation section 6, enforcement act.
50. Mat. Chrismore, violation section 6, enforcement act.
51. Hugh Wilson, violation section 6, enforcement act.
52. Isaac Adams, violation section 6, enforcement act.
53. James Gully, violation section 6, enforcement act.
54. Wiley Coleman, jr., violation section 6, enforcement act.
55. Wiley Coleman, jr., violation section 6, enforcement act.
56. Henry White, violation section 6, enforcement act.
57. E. V. Earley, violation section 6, enforcement act.
58. Marine Watkins, violation section 6, enforcement act.
59. Crawford Bates, violation section 6, enforcement act.
60. Abraham Rosenbaum, violation section 6, enforcement act.
61. Barney Chatfield, violation section 6, enforcement act.
62. John Broach, violation section 6, enforcement act.
63. Thomas Lilly, violation section 6, enforcement act.
64. Hurlburt Hodges, violation section 6, enforcement act.
65. James J. Shannon, violation section 6, enforcement act.
66. Ben. Mix, violation section 6, enforcement act.
67. John Carson, violation section 6, enforcement act.
68. William Broach, violation section 6, enforcement act.
69. Andrew Paine, violation section 6, enforcement act.
70. John O'Neil, violation section 6, enforcement act.
71. William Snow, violation section 6, enforcement act.
72. John H. Gary, jr., violation section 6, enforcement act.
73. Thomas Hill, violation section 6, enforcement act.
74. Robert Coleman, violation section 6, enforcement act.
75. Lorenzo D. Beck, violation section 6, enforcement act.
76. Moses Adams, violation section 6, enforcement act.
77. Isaac Adams, violation section 6, enforcement act.
78. A. G. Broaden, violation section 6, enforcement act.
79. Isaac B. Paine, violation section 6, enforcement act.
80. A. G. Howe, violation section 6, enforcement act.
81. James Sanford, violation section 6, enforcement act.
82. George Shedd, violation section 6, enforcement act.
83. Neil Wilson, violation section 6, enforcement act.
84. Wash. Brantley, violation section 6, enforcement act.
85. Isaac Adams, violation section 6, enforcement act.
86. John Christie, violation section 6, enforcement act.
87. P. S. Layton, violation section 6, enforcement act.
88. Archie McAlpine, violation section 6, enforcement act.
89. Bennett Stilwell, resisting arrest under section 6, enforcement act.
90. John Craig, violation section 6, enforcement act.
91. John Barrett, violation section 6, enforcement act.
92. George Eaves, violation sections 6 and 7, enforcement act.
93. Bennett Stilwell, violation sections 6 and 7, enforcement act.

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94. Ad. Kelley, violation sections 6 and 7, enforcement act.
95. Thomas Hill, violation sections 6 and 7, enforcement act.
96. Ras. Perkins, violation sections 6 and 7, enforcement act.
97. Buck Eaves, violation sections 6 and 7, enforcement act.
98. John Dial, violation section 6, enforcement act.
99. Joel Dial, violation sections 6 and 7, enforcement act.
100. N. G. Whitfield, violation sections 6 and 7, enforcement act.
101. Dow Norvell, violation sections 6 and 7, enforcement act.
102. Lorenzo D. Beck, violation sections 6 and 7, enforcement act.
103. Thomas Ryan, violation sections 6 and 7, enforcement act.
104. Jacob Levi, violation sections 6 and 7, enforcement act.
105. Alfred Sledge, violation sections 6 and 7, enforcement act.
106. John Trott, violation sections 6 and 7, enforcement act.
107. C. H. Williams, violation sections 6 and 7, enforcement act.
108. John Thompson, violation sections 6 and 7, enforcement act.
109. William Renfro, violation section 6, enforcement act.
110. Joe Reynolds, violation section 6, enforcement act.
111. Alonzo Kornegay, violation section 6, enforcement act.
112. William Battle, violation section 6, enforcement act.
113. Stephen S. Renfro, violation section 6, enforcement act.
114. Mark Sledge, violation section 6, enforcement act.
115. John de Loach, violation section 6, enforcement act.
116. Isaac B. Paine, violation section 6, enforcement act.
117. Thomas Williams, violation section 6, enforcement act.
118. Edward Battle, violation section 6, enforcement act.
119. Geo. M. Dillard, violation section 6, enforcement act, and of section 2, act of April 20, 1871.
120. A. R. Rencher, violation section 6, enforcement act.
121. Daniel Rencher, violation section 6, enforcement act.
122. J. W. Harding, violation section 6, enforcement act.
123. W. H. Lipscomb, violation section 6, enforcement act.
124. E. A. Jackson, violation section 6, enforcement act.
125. A. E. Jackson, violation section 6, enforcement act.
126. Thomas M. Scanlan, violation section 5, enforcement act.
127. Frank Russell, violation section 5, enforcement act.
128. Hiram T. Adams, violation section 15, enforcement act.
129. George Jones, violation section 6, enforcement act.
130. Joseph Burnett, violation section 6, enforcement act.
131. Pierce Hefflin, violation section 6, enforcement act.
132. Marine Watkins, violation section 6, enforcement act.
133. George H. Powe, violation section 6, enforcement act.
134. J. H. Selby, violation section 6, enforcement act.
135. J. E. Simmons, violation section 2, act of April 20, 1871.
136. Green Walton, violation section 2, act of April 20, 1871.
137. William Walton, violation section 2, act of April 20, 1871.
138. George Jones, violation section 2, act of April 20, 1871.
139. John Walton, violation section 2, act of April 20, 1871.
140. James Germany, violation section 2, act of April 20, 1871.
141. James Germany, jr., violation section 2, act of April 20, 1871.
142. Cobb Germany, violation section 2, act of April 20, 1871.
143. William Germany, violation section 2, act of April 20, 1871.
144. John Germany, violation section 2, act of April 20, 1871.
145. John Crocker, violation section 2, act of April 20, 1871.
146. William Gallaway, violation section 2, act of April 20, 1871.
147. James Gallaway, violation section 2, act of April 20, 1871.
148. William Mitchell, violation section 5, act of April 20, 1871.

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149. William Mitchell, violation section 5, act of April 20, 1871.
150. M. H. Watkins, violation section 6, act of April 20, 1871.
151. Henry Sherman, violation section 6, act of April 20, 1871.
152. James Stillwell, violation sections 6 and 7, act of April 20, 1871.

MISSISSIPPI, NORTHERN DISTRICT.

EXHIBIT F.

OFFICE UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF MISSISSIPPI,
Holly Springs, April 10, 1872.

SIR: I have the honor to herewith inclose a statement regarding the enforcement in Mississippi of the third and fourth sections of the "act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for the other purposes," approved April 20, 1871, and of the act of May 31, 1870, in compliance with your letter dated February 1, 1872, in accordance with a resolution of the House of Representatives dated January 5, 1871.

I would respectfully state in this connection that the large amount of business in court has caused me to overlook this report, until called to my attention by your telegram dated April 4, 1872, and since which time I have been busily engaged in gathering the *data* with which to complete it.

Very respectfully,

G. WILLEY WELLS,
United States Attorney.

Hon. GEORGE H. WILLIAMS,
Attorney General, Washington, D. C.

A report in regard to the enforcement in Mississippi of the third and fourth sections of the "act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 20, 1871, and of the act of May 31, 1870, by G. Willey Wells, United States attorney for the northern district of Mississippi, in compliance with instructions from the honorable Attorney General, dated February 1, 1872, in conformity to a resolution of the House of Representatives, dated January 25, 1872, introduced by the Hon. Mr. Poland.

NAMES OF PERSONS INDICTED.

John Davidson, sr.
John Davidson, jr.
Daniel Taylor.
Edward Haynie.
Henry Haynie.
Columbus Barker.
Solomon George.
Columbus Barker.
John T. Martin.
Frank George.
James McNutt.
Zack T. Jobe.
Van Hinton.
Charles Doss, *alias* Charley Doss.
William C. Bell.
James J. Bell.
Samuel McCright.
Joseph Rickberg.
Samuel Davidson.
Aaron Roebuck.
George Roebuck.
Jerry Roebuck.

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Thomas Murphy.
Joseph Davis.
Lyman Roebuck.
Wood King.
Joseph Brinker.
——— Steele.
——— Wate.
——— Hennett.
Columbus Barker.
John T. Martin.
Frank George.
James McNutt.
Zack Jobe.
Columbus Barker.
James T. Martin.
Frank George.
James McNutt.
Zack Tobe.
Van Hinton.
Charles Doss, *alias* Charley Doss.
Richard Pearson.
Joseph Bishop.
John Drake.
David Montgomery, *alias* Munch Montgomery.
Paul Harrington.
Green Ellis.
Wiley Mauss.
William Rogers.
W. H. Childs, *alias* Buck Childs.
John Yerger.
John Yates.
Young Harrington.
——— Hopkins.
——— Knight.
Willis Harris.
John Sheffield.
George Gillaspie.
Fann Page.
John Yates.
Richard Pearson.
William Bell.
James L. Graves.
Hubb T. Saunders.
James Watt.
A. M. Mascrell, *alias* Rhett Mascrell.
James J. Bell.
Benjamin Lumpkin.
Thomas Malone.
Andrew J. Crosby.
Jasper Webb.
Whitfield Pope.
Clinton Ross.
John Porter.
Stephen Crosby.
David Studdith.
Samuel Studdith.
William D. Walton.
Robert Mays.
Barbour Quarles.
William Butler.
Jacob Loughridge.
J. Plumer Willis.
Dudley Hutchinson.
Joseph Richberg.
A. M. Maxwell.
John Higgins.
John Chappell.
James Hurt.
Felix Nation.
Winfield Scott Rogers.
John Hardin.
Foster Hardin.
John Hunt.
George Kelley.
James Frost.
John Porter.
J. S. Roberts.
Jackson Triplett.
David Devereaux.
Ira Tucker.
James Finkley.
Benjamin Lumpkin.
Thomas Malone.
Andrew J. Crosby.
Jasper Webb.
Whitfield Pope.
James Neeland.
John Roberts.
Addison Roberts.
Thomas Ford.
John Ware.
Henry McNeeice.
Michael Forshee.
Jefferson Willis.
Benett Willis.
Thomas Saddler.
J. Plumer Willis.
Dudley Hutchinson.
James Neeland.
John Roberts.
Addison J. Roberts.
Thomas J. Ford.
John Ware.
George E. Howell.
Henry C. McNeice.
Michael Frushee.
Jefferson Willis.
Burnett Willis.
Benjamin Lumpkin.
Clinton Ross.
John Porter.

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Stephen Crosby.
David Steddith.
John Steddith.
William D. Walton.
Robert Mays.
Barbour Quarles.
William Butler.
Jacob Loughridge.
J. Plumer Willis.
Dudley Hutchinson.
James Neeland.
John Roberts.
Addison Roberts.
Thomas J. Ford.
John Ware.
George E. Howell.
Henry McNeice.
Michael Forschee.
Jefferson Willis.
Burnett Willis.
Robert McElhaney.
Thomas Malone.
Andrew J. Crosby.
Jasper Webb.
Whitfield Pope.
Clinton Ross.
John Porter.
Stephen Crosby.
David Studdith.
John Studdith.
William W. Walton.
Robert Mays.
Barbour Quarles.
William Butler.
Jacob Loughridge.
Frederick Dennis.
John Stephenson.
John Stinson.
Andrew Eazer.
Lowry Williams.
John Kidd.
John Kidd, jr.
Warren Gardner.
James Kean.
Thomas McElhaney.
John McElhaney.
Ira Tucker.
A. Jackson Triplett.
John Q. Triplett.
John Mathews.
James Turner.
Isaac C. Hooker.
David Hooker.
William Hampton.
Thomas Clew.
Frank Clear.

John Wesley.
—— Guthrie.
James Bunch.
I. S. Featherstone.
Winfield Featherstone.
Dr. John Featherstone.
Scott Williams.
Thomas Crockett.
Burrell Cockrell.
Square Kirby.
John Wilkins, *alias* Hip Wilkins.
Jasper Webb.
Blufe Atkins.
Harrison Greene.
Jimboy Hughes.
Coleman Carlisle.
John Hull.
Theodore Ellis.
R. Ellis.
Monroe Ellis.
Bang Ellis.
Francis Ellis.
Benjamin Walker.
David Holbrook.
William Doss.
John Doss.
Douglass Adams.
Britt Moore.
William P. Storall.
Thomas McArthy.
W. M. Kirk.
James B. Evans.
Joel Eavens.
Lee Eavens.
Charles Rawlings.
Dewitt Farmer.
Frank Glass.
John L. Wooten.
Joseph Hunter.
Joseph McMorris.
Samuel McGee.
William Jones.
John Gilmer.
Storer Triplett.
—— Williams.
—— Williams.
—— Boykins.
—— McMorris.
—— Cook.
T. M. Avery.
W. A. Haggard.
James C. Avery.
James Cotts.
Sonnie Reese.
Jas. F. Nabors.
Dee Reese.

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Nuck Reese.
James F. Nabors.
Samuel A. Hill.
William Avery.
John Harris.
E. M. Siddell.
Jesse M. Chappell.
James Arrington.
Joseph Ming.
William Flake.
Dee Reese.
Rod Reese.
Sonie Reese.
George Jolly.
William Jolly.
Fontaine F. Freeman.
Sonie Reese
Richard Evans.
Dee Reese.
Rod Reese.
George Jolly.
William Jolly.
Simon Heam.
Dee Reese.
Rod Reese.
Sonie Reese.
Dee Reese.
Fontaine Freeman.
Nuck Reese.
Fontaine Freeman.
William Dunn.
Benj. R. Long.
D. J. Rogers.
James Esters.
Allen Bell.
James Bell.
Solomon Childers.
Solomon Childers.
B. R. Chamlis.
William P. Smith.
Willis Younger.
Davis Younger.
Dick Adams.
John A. Loury.
Jack Horton.
Marion Armstrong.
Samuel O'Neil.
William Donaldson.
John Wallace.
Josh. Westmoreland.
John McGowan.
John Barton.
R. A. Taylor.
Walter Williams.
F. M. Black.
Newman Burns.
Sam. Campbell.
William R. Bradley.
William L. Morris.
Wright White.
William White.
Robert Higgs.
Vine Massey.
James Berry.
William M. Hunnicutt.
Caleb Kellum.
Isaac Chestnut.
James Brown.
Drew Massey.
Frank Gregory.
Wright White.
Isaac Chestnut.
James Brown.
Drew Massey.
Joseph Hicks.
Reuben Marslow.
Chas. Wardlow.
George Reynolds.
Lee Reynolds.
Daniel Marlon.
George Marlon.
Paul Pointdexter.
James Marlon.
Eph. Greenhaw.
Bass Greenhaw.
Louis Blanchard.
Ell. Killingsworth.
Christopher Brandon.
Martin Sadler.
H. P. Saddler.
Robert Saddler.
William T. Pitts.
Jacob Pitts.
Dermillian N. Harden.
William White.
Robert Higgs.
Vine Massey.
Jas. Berry.
William M. Hunnycutt.
Caleb Kellum.
Jerry Coggins.
John Harden.
Silas Harden.
Britton R. Phyfer.
Harry McCarver.
Robert McCarver.
Andy Cochran.
Jos. Stanfield.
Samuel Campbell.
H. H. Porter.
Foster Harden.
Minott Smith.

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Abner Simms.
Thomas Saddler.
A. J. Brown.
—— Level.
—— Weims.
L. Gilmore.
Winfield Scott Pegues.
Joshua T. Pitts.
William Winston.
Clark Pitts.
Stanford Pitts.
William C. Messer.
Bryant Messer.
George Smith.
Rice Loudon.
Jas. Childers.
Zack Nobles.
John Nobles.
Harris Taylor.
Joseph Burks.
Dave Jackson.
Finn Smith.
Jas. W. Swafford.
James Swafford.
Rufus Kyle.
William Harding.
Ratley Smith.
Jack Martin
William Harrison.
George Brown.
John Sheffield.
Poss Brown.
Willis Harrison.
William Brown.
William H. Lokey.
John D. Lokey.
Wiley H. Lokey.
Taylor Heath.
Frank Heath.
Richard Cartwright.
Porter Tygatt.
Frank Heath.
William Darden.
William Stinson.
—— Burton.
William Gill.
John Lilly.
William Dozier.
Thomas Ward.
West Landers.
John Harden.
William Martin.
Elijah Smith.
James Martin.
Green Henderson.
Jefferson Smith.

Britton R. Phyfer.
William Phyfer.
Robert McCarver.
James Strickland.
Zack Nobles.
Dave Nobles.
Fallen Wisler.
Jefferson Johnson.
Thomas Johnson.
George Reed.
D. M. Simms.
Cassius Simmons.
John Halliway.
Joseph Burks.
William Harrison.
George Brown.
John Sheffield.
Poss Brown.
Abner Simms.
Dick Simms.
Frank Reynolds.
Hillery Cobb.
Henry Hyler.
Robert Smith.
James Bass.
Harrison Nabors.
John Stinson.
William Stinson.
Andy Nyer.
Lancy Williams.
Jasper Webb.
John Kidd.
Warren Gardner.
Jesse Steason.
William F. George.
Hampton George.
Zack Jobe.
Ed. Haney.
Joe Haney, jr.
Chick Haney.
Albert Short.
Willis Harrison.
William Brown.
John Valient.
Alexander Burks.
Thomas Ford.
Samuel A. Smith.
E. L. Smith.
John Mitchell.
Wit Colbert.
James Heard.
Vasco Murphy.
Henry Blakeney.
John Blakeney.
Tom Blakeney.
John F. Martin.

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Frank George.
Louis Lagrove.
William Lagrove.
Adam Lagrove.
Click Marshall.
James McCully.
Ira Stanford.
William Dyer.
J. B. Sellors.
Columbus Barker.
A. J. Clark.
Lee Hale.
Thomas Selmon.
George Mabrunn.
Henry Calahan.
Benjamin Greene.
Palestine Beauchaine.
Moses Murphy.

Number of persons arrested, 200.

NAMES OF PERSONS ARRESTED AND BOUND OVER.

Aaron Roebuck.
John Davidson, sr.
John Davidson, jr.
Daniel Taylor.
Edward Haynie.
Henry Haynie.
Columbus Barker.
Solomon George.
John T. Martin.
A. M. Maxwell.
Richard Pierson.
David Montgomery.
William C. Bell.
Frank George.
James McNutt.
Zack Jobe.
Van Hinton.
Charles Doss.
James L. Graves.
Hubb. T. Saunders.
James Watt.
Felix Nation.
Benjamin Lumpkins.
Thomas Malone.
Paul Harrington.
W. H. Childs.
John Yates.
Willis Harris.
John Higgins.
Stephen Crosby.
David Studdith.
John Studdith.
Samuel Studdith.
William D. Walton.
Robert Mays.
Barbour Quarles.
William Butler.
Henry McNeill.
Michael Forsher.
John Hearden.
Foster Harden.
James Frost.
David Devereaux.
Ira Tucker.
Jackson Triplett.
Ira Tucker.
Andrew J. Crosby.
Jasper Webb.
Whitfield Pope.
Clinton Ross.
John Porter.
Jacob Loughridge.
J. Plumer Willis.
Dudley Hutcheson.
Jos. Neeland.
John Roberts.
Addison T. Roberts.
Thomas J. Ford.
John Ware.
George E. Howell.
Jefferson Willis.
Burnett Willis.
George Kelley.
John Porter.
Robert McElhaney.
Thomas McElhaney.
John McElhaney.
A. Jackson Triplett.
James Turner.
Isaac V. Hooker.
Warren Gardner.
Daniel Holbrook.
Douglass Adams.
J. S. Featherstone.
Thomas Cockrell.
John Gilmore.
James B. Evans.
Joel Evans.
Lee Evans.
John Harris.
Jessie M. Chappell.
Rod Reese.
Sonie Reese.
Benjamin R. Long.

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James Bell.
William P. Smith.
Davis Younger.
John A. Loury.
John McGowan.
F. M. Black.
Newman Burns.
Lee Reynolds.
Thomas Hooker.
Benjamin Walker.
William Doss.
John Wilkins.
Frank Glass.
Samuel McGee.
Glover Triplett.
—— Williams.
Samuel Hill.
William Avery.
E. M. Siddell.
Dee Reese.
William Dunn.
Allen Bell.
R. R. Chomlis.
Willis Younger.
Dick Adams.
Samuel O'Neil.
John Wallace.
R. E. Taylor.
George Reynolds.
George Marlow.
Daniel Malone.
Bass Greenhaw.
Martin Saddler.
H. P. Saddler.
Jacob Pitts.
Joshua T. Pitts.
Clark Pitts.
Stanford Pitts.
Willis Harrison.
William H. Lokey.
John D. Lokey.
Wiley H. Lokey.
George Smith.
James Childers.
Zack Nobles.
Dave Jackson.
Jefferson Smith.
William Phyfer.
William Gill.
Thomas Ward.
Hillery Cobb.
Harrison Nabors.
Thomas Johnson.
Eph Greenhaw.
Christopher Brandon.
Jerry Coggins.
Samuel Campbell.
H. H. Porter.
Minott Smith.
Abner Simms.
William Harrison.
Taylor Heath.
Frank Heath.
William H. Messer.
Bryant Messer.
Rice Loudon.
John Nobles.
Harris Taylor.
Elijah Smith.
James Martin.
Richard Cartwright.
William Dozier.
Dick Simms.
Henry Hyler.
Jefferson Johnson.
George Brown.
John Valient.
Thomas Ford.
E. L. Smith.
Joseph Blakeney.
James McCulley.
Lee Hall.
Thomas Selmon.
Alexander Burks.
Samuel O. Smith.
Henry Blakenay.
William P. T. George.
Jerry Stanford.
Palestine Beachman.
Moses Murphy.

NAMES OF PERSONS CONVICTED.

No parties have been convicted except those who have pleaded guilty as the time of the court up to this date has been occupied in hearing petitions for writs of *habeas corpus* and motions to quash indictments generally based upon the unconstitutionality of the law.

NAMES OF PERSONS WHO HAVE PLEADED GUILTY.

Benjamin Lumpkins.
Thomas Malone.
William Butler.
Jacob Loughridge.

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Andrew J. Crosby.
Joshua Webb.
Whitfield Pope.
Clinton Ross.
John Porter.
Stephen Crosby.
David Studdith.
John Studdith.
Samuel Studdith.
William J. Walton.
Robert Mays.
Barbour Quarles.
J. Plumer Willis.
Dudley Hutchinson.
James Neeland.
John Roberts.
Addison J. Roberts.
Thos. J. Ford.
John Ware.
George Howell.
Henry McNeice.
Michael Forschee.
Jefferson Willis.
Burnett Willis.

NAMES OF PERSONS SENTENCED, AND NATURE OF THE SENTENCE.

In the twenty-eight cases above pleading guilty, the sentence was suspended.

NAMES OF PERSONS WHO HAVE CONFESSED THEMSELVES GUILTY.

Daniel Taylor.
James McNutt.
Robert McElhaney.
Charles Wardlaw.
Lee Reynolds.
George Reed.
John T. Martin.
Solomon George.
Zack Jobe.
Reuben Marlow.
George Reynolds.
Willis Harrison.
William Harrison.
Albert Short.

The above are the names of persons who confessed and became State's evidence.

G. WILLEY WELLS,
United States Attorney.

KENTUCKY.

EXHIBIT G.

OFFICE OF U. S. ATTORNEY FOR THE KENTUCKY DISTRICT,
Louisville, Kentucky, March 27, 1872.

SIR: I have delayed an answer to your letter of inquiry "as to the security of life, person, and property in the State of Kentucky" until after the spring terms of the courts of the United States, that I might be able to speak advisedly after having an opportunity to see and converse with persons from every portion of the State. I thought it further advisable to await the result of the late action of the legislature of the State in giving the colored persons the right to testify in the courts of the State. I returned on yesterday from the court at Paducah. This city is in the end of the State in which was the largest number of slaves before the war, and where the largest number of freedmen now reside. In that portion of the State the labor of colored persons is very valuable in the production of tobacco, and I find that every class of the community is in favor of giving to these people the fullest protection to persons and property. All lawless organizations have been broken up by the force of the public sentiment at home. In every part of the State there

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has been much change of public opinion as to the rights of the colored people, and the duty of the people and the law officers to give them security in person and property. The Ku-Klux organization is but one of the results of slavery. It has always existed at the South. Before the war and in the days of slavery the organization was known as *patrollers*. Then it was recognized by the law and protected by public sentiment. The patrollers were composed of the same class as the Ku-Klux; they perpetrated the same outrages, in the same manner and upon the same persons. They undertook to whip every negro that they caught away from home, and at home if he was supposed to have committed any offense. They whipped or tarred and feathered every white man who was suspected of being an abolitionist. Since the war and the freeing of the colored man, these same men do the same thing, and are or have been equally indorsed by public sentiment, and they only use the black calico masks to avoid detection by the negroes, who have learned that the Federal Government intends to protect them from such outrages. I am glad to say that this organization is now being broken up in every part of the State, and will soon be buried with the institution of which it is but the offspring. In Shelby County, in which was the largest organization of this kind in the State, there has sprung up a feud among the members of the Klan. Cook, the leader, was killed by Bohannon, and the State court convicted Bohannon of murder. This caused each member to suspect the other of treachery, and ended in the disbanding of the organization. By prompt arrests and vigorous prosecutions under the civil-rights bill in the Federal courts, I have succeeded in breaking up the organizations in Franklin, Oldham, and Estill Counties, where many outrages were committed a year ago.

Although this is true, I cannot say that there is as much protection to person and property in Kentucky as is to be desired. I am sorry to say that in this and in all the Southern States there exists a public sentiment which justifies the taking of human life upon very small pretext. This applies equally to the killing of a white man or a black man. Notwithstanding this is true, after a full consultation of the leading men of every part of the State, who most favor giving to every man the fullest protection in person and property, I do not think further legislation by Congress, for the protection of persons and property in the State, desirable or necessary. The Federal courts, as at present organized, cannot give more protection than will now be given by the State courts.

The Federal courts are held at only three places in the State. The depredations are usually committed upon poor whites and negroes, and more of these will obtain protection in the local courts than would be able to raise the money to go to the Federal court to complain.

Since the passage of the civil-rights bill a great many persons have been convicted for outrages committed on colored people; but the press of business was so great that the three courts held in the State could give only inadequate protection to the two hundred thousand colored people in the State.

If these outrages should continue, and Congress should conclude to legislate further on this subject, I think the courts of the United States should be increased to three times their present number.

I think it is not inappropriate for me to say that I am convinced that both the circuit judge for this circuit and the district judge, Ballard, will decide so much of the act of Congress approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," as confers on the courts of the United States jurisdiction to try persons "for

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conspiring together or going in disguise upon the public highway, or upon the premises of another for the purpose, either directly or indirectly, of depriving any person or class of persons of the equal protection of the laws," is inoperative.

Very respectfully,

G. C. WHARTON,
United States Attorney for Kentucky District.

Hon. GEORGE H. WILLIAMS,
Attorney General, Washington, D. C.

ARKANSAS.

EXHIBIT H.

DISTRICT ATTORNEY'S OFFICE,
Fayetteville, Arkansas, February 14, 1872.

SIR: Your communication of the 2d, in regard to the security of life and property, &c., in the State of Arkansas, has just been received, and I would most respectfully report that during the November term, 1871, of the district court, which closed about the 7th of this month, I had an opportunity of meeting persons from every county comprising the old district, to wit: Little River, Sevier, Polk, Scott, Sarlu, Sebastian, Crawford, Franklin, Johnson, Washington, Madison, Carroll, Boone, and the Indian country.

That in the Indian country crime is fearfully on the increase, caused, no doubt, by the large number of persons employed in the construction of the railroads through that country, and also the increased facility for introduction of spirituous liquors. Every effort, however, is being put forth to break up this illegal traffic and punish the violators of law.

Benton County, in the above, is the only county in which any disturbance has occurred. On the Pea Ridge, in said county, and also on the western border, the Ku-Klux Klan have an organization, and have rode upon one or two occasions and warned Union men to leave the county, and also on one occasion took out an old man and badly beat him. The parties were disguised, and up to the present time I have failed to identify them. I had several persons arrested before the commissioner, but failed to sufficiently identify the parties. It had a salutary effect; since that they have been entirely inactive. It is my opinion the parties engaged were hot-headed young men, led on by persons of more experience; but the people, generally, condemn their action, and will do all in their power to bring the violators of good order to speedy trial.

In Johnson County, in the town of Clarksville, the Government is bitterly denounced, but no demonstrations of force are used. In the remaining counties everything is quiet, and the people seem disposed to see the law enforced and do all in their power to promote the welfare of the country. In the counties comprising the Helena district of the western district of Arkansas I am not so well acquainted; was present at the September term, A. D. 1871, of the district court, and will again return there during the present month, and will make a supplemental report, providing any new difficulties have occurred since the last term of the court.

At the September term, A. D. 1871, all the violations of law were duly inquired into, and several persons were indicted for violations of the enforcement act, and also one or two for violation of the Ku-Klux act.

In the county of Oullenden, on the Mississippi River, at a place known

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as "Kul Island," a combination was formed to prevent colored voters from voting for their choice for member of Congress, and on the day of election armed men, by threats, force, and intimidation, prevented persons from voting freely for their choice; but the persons engaged in that illegal enterprise were indicted at the September term, A. D. 1871, and will be tried at the March term, A. D. 1872. In Cross County a negro was charged with the crime of rape, and during his examination before a justice of the peace, and while he was under guard, a number of disguised men took him from the officers of the law and hung him. They were also indicted, and, if arrested, will be tried at the March term; also, in the county of Monroe, a negro was charged with the crime of larceny, was arrested by the proper officer, and while he was in custody was killed by his guard. The judge of the circuit court of that county said he would have the grand jury of that county inquire into the subject at the setting of the circuit court of said county, and no doubt the State took jurisdiction over the subject-matter.

There is a general disposition among the people of the counties that border on the Mississippi River to deprive colored persons of the rights secured to them by the Constitution and laws, and if the restrictions were removed, the life and property of original Union men, and the colored people in general, would not be regarded.

I have the honor to be, very respectfully,

JAS. H. HUCKLEBERRY,
United States Attorney.

Hon. GEORGE H. WILLIAMS,
Attorney General.

OFFICE OF UNITED STATES DISTRICT ATTORNEY,
EASTERN DISTRICT OF ARKANSAS,
Little Rock, Arkansas, February 15, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, requesting information in regard to the security of life, person, and property in the State of Arkansas.

In reply thereto, I would state that, from my own experience and observation, (by a residence in this State, almost continuous, since A. D. 1856,) and from the best information to be obtained, I am satisfied that life, person, and property were never more secure than at the present time. Perhaps, however, it would not be out of place to add that, judging from the occasional threatenings of the democratic press of the State, there is still a feeling of ill-will existing toward those who were "Union" during the late war, toward the colored citizen, and the immigrant who is republican in politics, and a special desire to drive the latter from the State.

Owing, however, to the generous legislation of Congress, to the vigilance and the firm and vigorous policy of the State government, the life, the person, and the property of all classes of citizens are as secure in Arkansas as in the average of the States.

With great respect, your obedient servant,

S. R. HARRINGTON,
United States Attorney, Eastern District Arkansas.

Hon. GEORGE H. WILLIAMS,
Attorney General, Washington, D. C.

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LOUISIANA.

EXHIBIT I.

UNITED STATES ATTORNEY'S OFFICE,
DISTRICT OF LOUISIANA,
New Orleans, February 23, 1872.

SIR: I have received your letter of the 2d instant, asking information relative to the security of life, person, and property in this State. So far as regards the city of New Orleans, the security against lawless violence compares favorably with that of any period of her history, and I think the remark is true as to the State at large.

Disturbances and acts of violence sometimes occur, but not more frequently, nor can I say that they are of a different or more aggravated character, than before the war.

Very respectfully, your obedient servant,

J. R. BECKWITH,
United States Attorney.

Hon. GEORGE H. WILLIAMS,
Attorney General United States.

TEXAS.

EXHIBIT J.

OFFICE OF UNITED STATES ATTORNEY,
EASTERN DISTRICT OF TEXAS,
U. S. Court-rooms, Galveston, February 10, 1872.

SIR: I have the honor to acknowledge yours of the 2d instant, referring to House resolution asking the President, among other things, for "such information as he may have relative to the security of life, person, and property in the States of Kentucky, Arkansas, Louisiana, and Texas," and that "to enable the President to respond to this resolution" you request that I will make to you a report of any and all information I may have or can obtain in relation to the subject.

In reply, I have to report and say, that right here, in Galveston, or at Houston, Austin, San Antonio, or any other of the larger towns in thickly settled districts, life and property are as secure as in New York or elsewhere. That is one of the necessary results of American civilization.

Vagrancy, drinking, gambling, and laziness trouble us right here considerably, and are confined chiefly to the colored element. But it is upon the Rio Grande and Red River frontiers that our people suffer indescribable woes from robberies and murders. Mexicans and Indians on the Rio Grande, and reserve Indians on the Red River border, are daily committing thefts, robberies, and murders, that not only prevent increase of population, but put out the light of civilization. Whole families are murdered, their corpses mutilated in a manner too horrid for mention, houses burned, farms destroyed, cattle driven off, little boys and girls carried into captivity worse than death, the country impoverished, and all settlement and progress prevented.

The Indians are fed upon the reserve by the Government and cross Red River into Texas on their raids. But you can form no true idea of

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their work till you see corpses of peaceable citizens hacked, ripped, scalped, and then roasted in chains, fastened to the wheel of a burning wagon; to see the widowed mothers and orphan children made by Indians fed and nurtured by the Government upon the reservations.

I have myself within the past few months seen women living with their third husband, the two previous ones having been murdered by Indians of the reserve. I have stood upon the bank of the Rio Grande at Brownsville and have seen thousands upon thousands of dried beef-hides with the brands of prominent Texans upon them, the cattle having been stolen by Mexicans and driven across the Rio Grande and prepared for market, and then shipped in bond for New York. The owners of the stolen cattle, seeing their hides pass under their very noses, are unable to stop them by any attainable legal process, because they are in possession of Federal custom-house officials, *in transitu* for delivery at New York.

These robberies are constantly occurring. I see no way of securing safety to the frontier people north than to put every Indian on a reserve and keep him there; and if he goes off, without a proper pass, to kill him as you would a wolf or a panther. The savages on the northern border only differ from the savage beasts in that they are more intelligent and capable, and more disposed to do harm. The wolf kills to satisfy his hunger. The Indian wars against civilization itself. He is opposed to the cultivated field, the farm-house, the school-house, and the church; he murders the civilized men, violates and murders the women, and takes the little boys and girls and makes savages of them; he slaughters, murders, mutilates, rapes, robs, devastates; he is opposed to settlement; he would have the magnificent country of Northern Texas remain a howling wilderness and unbroken prairie. Civilization is something that interferes with his savage dignity. He feeds upon the bounty of the nation and gains strength to murder and rob the people of the frontier, which he does for pastime and amusement.

The cases of San-tan-ta and Big Tree, convicted in July last at the court in Jack County, (Fort Richardson,) for the murder of seven teamsters belonging to Henry Warren's train of wagons, loaded with Government provisions, is in point.

Should you desire specific cases in detail of the regular robberies and thefts of cattle on the Rio Grande, I can furnish, give names of prominent and worthy citizens who will tell, or, if time were given, could give it myself.

The most provoking feature of all is, that the people who suffer most in those exposed places are and ever have been the firmest in their devotion to the nation during the war.

If Congress don't intend to abandon the function of government in the northern or Red River frontier, they had better put ten cavalry regiments where they now have but one.

Very respectfully,

D. J. BALDWIN,
United States District Attorney.

Hon. GEORGE H. WILLIAMS,
Attorney General United States,
Washington City, D. C.

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EXHIBIT K.

OFFICE OF UNITED STATES ATTORNEY,
WESTERN DISTRICT OF TEXAS,
Austin, April 6, 1872.

SIR: Yours of February 2, 1872, asking information as to the enforcement of the laws and the security of life and personal property in Texas, and particularly in the western district thereof, is received.

Owing to the unsettled condition of public affairs incident to the war and to reconstruction, I find a lack of accurate and well-arranged official *data* upon which to base a satisfactory report. The few statistics I have been able to gather will serve merely to illustrate the condition of the State to a limited extent.

In regard to the amount of crime and the enforcement of the criminal laws of the State, I respectfully submit the following statistics:

According to the report of the reconstruction convention "committee on lawlessness and violence," made July 21, 1868, full returns from 30, and partial returns from others, of the 127 organized counties of Texas, authenticated 1,035 homicides committed between the close of the war and July 1, 1868. If the reports had been full and correct, I am satisfied the aggregate number would have been nearly or quite 2,000. During the period mentioned there was but *one* execution according to the forms of law.

On June 18, 1870, Secretary of State Newcomb reported to the Texas senate, in obedience to a resolution passed by that body on May 23, 1870, that the reports of county officers, together with the military record kept up to the date when the reconstruction of the State was consummated, showed 905 homicides committed between May 23, 1868, and May 23, 1870. The number of assaults with intent to kill and murder was nearly as great. During the years 1869 and 1870, up to the cessation of the military record, out of 1,890 reports due only 960 were received, and the proportion received was still less after reconstruction and up to the date of Secretary Newcomb's report. Full reports from all the counties doubtless would have shown a total of at least 1,500 homicides during the aforesaid period of two years.

The novel State police system of Texas went into operation on July 1, 1870. At that date partial reports from county officials showed 2,970 criminals evading arrest, including 702 murderers, 413 attempted murderers, and 1,017 robbers, burglars, and thieves. In many instances from two to seven murders were charged against one individual. Of these persons evading arrest 978 had been arrested by the State police up to January 1, 1871, including 109 murderers, 130 attempted murderers, and 366 robbers, burglars, and thieves. The proportion of murderers evading arrest and arrested, was and is considerably larger than these reports would seem to indicate, as a great many reported arrested come under the head of "miscellaneous offenses," because State policemen frequently report arrests without reporting the offenses charged.

The records of the adjutant general's office show 4,414 criminals evading arrest, as reported to adjutant general and Chief of Police Davidson, during the year 1871. Of these, 970 were murderers, 641 attempted murderers, and 1,463 robbers, burglars, and thieves. During the same year 3,602 persons were arrested by the State police, including 238 murderers, 352 attempted murderers, and 805 thieves. Many other murderers are doubtless included in the very large number set down by the adjutant general as "miscellaneous." The very large number

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reported as evading arrest and arrested during the year 1871 does not establish any increase of crime, but it does establish the fact that crime is at last taken cognizance of by the authorities, and that determined efforts are being made to arrest and punish criminals.

The reports made to Chief of Police Davidson thus far in 1872 show a steady decrease in the number of offenses committed, and an estimate formed from previous reports gives 183 murders committed from November 1, 1870, to November 1, 1871, thus showing a very great improvement on any previous year since the war. If what I deem to be a settled fact be conceded, viz, that 500 murderers have been driven from the State within the last two years, then one great reason for this diminution of capital crime will be apparent. In seventy-one instances requisitions have been made by Governor Davis on other States and on Mexico, for the rendition of fugitive criminals, of whom forty-two are murderers. Many rewards have been offered for the apprehension of murderers, and some for school-house burners and disguised marauders.

I have been informed by School Superintendent De Gress that about twenty colored school-houses have been burnt by incendiaries during the last eighteen months. In some instances teachers have been whipped or driven away. Such outrages may be expected to continue under any system of separate schools. Mixed schools ought to be established at once, either by State or national legislation.

In addition to the number of arrests of criminals reported as made by the State police, it may be proper to state that many others have been arrested by sheriffs and their deputies, of which latter arrests no record is accessible, and besides the arresting of criminals the State police have performed another important service in recapturing from thieves and robbers, and restoring to the legitimate owners, property estimated at $140,000 to $150,000 in value.

Eighteen months ago the number of State policemen was fixed at one hundred and ninety-six. It is now one hundred and twenty-five, and a still further reduction is contemplated. In fact it is now generally believed that the time has arrived when the work of arresting criminals may again with safety be entrusted to the ordinary peace officers.

In regard to the enforcement of the laws of the United States, I have to say that, as far as the western district of Texas is concerned, the criminal business of the Federal courts has very much increased. Most of the cases on the criminal docket are for violations of the internal revenue laws. Until recently there were few, if any, prosecutions under those laws, although violations of them were frequent. The recent indictments have caused some illicit distillers to flee the country, while others are held for trial, and revenue officers now have less trouble in collecting the taxes. A number of ex-revenue officers are under indictment, and others are expected to be indicted soon, but so far as I can learn the present incumbents are not obnoxious to criminal charges.

For the first four or five years after the close of the war, depredations on the mails of the United States were very frequent, and such a thing as the punishment of a mail-robber was almost unheard of. The mails are now comparatively safe, although it must be admitted that it is next to impossible to get evidence sufficient even to indict any considerable number of those who have heretofore violated them.

As yet but few violations of the enforcement and Ku-Klux acts have been brought to the notice of the Federal grand juries, owing to the difficulty of getting together the necessary witnesses. Some of the cases reported to the grand juries have been ignored by them. As a remedy, I have invariably given it as my opinion that no jury should be organ-

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ized without a fair proportion of colored men upon it. While acting as a State district judge in 1869 and 1870 I enforced this rule for the first time, in ten counties, and thereby procured the indictment of some of the worst ringleaders of the lawless element, who otherwise would never have been prosecuted. I am informed by the marshal of this district that he intends to mix all his juries hereafter, proportioning the number of each race to the number of its registered voters. This policy cannot fail to secure substantial justice in the action of our juries, both grand and petit, and I shall therefore endeavor to push all Ku-Klux and civil-rights cases which may come to my knowledge.

In conclusion, no one can fail to note the steady progress made by the State in the enforcement of law, and consequently in the security of life, person, and property, during the last three years. In 1868, almost the entire State was a hell on earth, and in the northern half of the State hardly a white man, who was obnoxious on account of his politics, escaped being driven from his home, or suffering persecution of some kind. As for the freed people, they were robbed, outraged, and intimidated systematically, almost everywhere, except in some of the larger towns garrisoned by United States troops. At present, social ostracism is almost the only means employed to punish persons holding obnoxious political sentiments; and even this ostracism is rapidly diminishing. Texas is already the most cosmopolitan of the late rebel States, and, with the influx of immigration from Europe and from the other States of the Union, it cannot be long before all lawlessness and violence, growing out of political differences, radical antagonisms, and social distinctions, will be a thing of the past. The fact that Texas is to have no legislature during the present year will not operate prejudicially to the complete re-establishment of law and order. In fact, the extraordinary profligacy and corruption of the late legislature make it highly important that there should not be another elected until the State shall have recuperated financially, or until a more settled condition of society shall enable the people to select more worthy and prudent men as their representatives.

Very respectfully submitted.

C. T. GARLAND,
U. S. Attorney, Western District, Texas.

Hon. GEORGE H. WILLIAMS,
Attorney General of the United States, Washington, D. C.

EXHIBIT L.

[Telegram.]

WESTERN UNION TELEGRAPH COMPANY,
Washington, January 4, 1872.

To President GRANT, *care of Mr. Borie, Philadelphia, Pa.:*

The following just received from Governor Warmoth:

"NEW ORLEANS, *January* 4.

"J. R. WEST, *United States Senate:*

"The United States marshal arrested myself, the lieutenant governor, a number of State senators, a large number of the members of the house, and took us to the custom-house. We were, after some delay, released

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on our personal bonds. While we were absent the speaker of the house, without a quorum, put to vote and expelled six members, Carr, Dewees, Gover, Wheyland, Lasaliviere, McFarland. There are four companies of United States troops now in city. This revolutionary movement will involve the *destruction* of the State government, unless the President takes immediate action and stops his officials. The democrats and custom-house republicans of the senate are now on the Wilderness, breaking a quorum of the senate until the arrival of four democrats, when they intend to turn out the lieutenant governor, and then effect an entire revolution of the government. I wish you to go and see the President, and lay the matter before him.

"H. C. WARMOTH, *Governor.*"

If not improper, I would be glad to know by telegraph if you take any action.

J. R. WEST.

[Telegram.]

PHILADELPHIA, PA., *January* 4, 1872.

Hon. J. R. WEST,
United States Senate, Washington, D. C.:

Governor Warmoth's dispatch of this date to you received. His report of proceedings of United States marshal is of such an extraordinary character that I will have the matter investigated at once. Please show this dispatch to the Attorney General.

U. S. GRANT.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., January 5, 1872.

President GRANT,
Care of Hon. A. E. Borie, Philadelphia, Pa.:

The following telegram for you has just been received from Governor Warmoth:

"Danger of a riot and tumult is imminent. There is no quorum in the senate, and hence the legislature cannot call on you for assistance. The absent senators are on the United States revenue-cutter Wilderness. I respectfully ask that General Emory be instructed to co-operate with me in preserving the peace and protecting the government from attack and overthrow.

"H. C. WARMOTH."

My own impression is, that at present it is best to let General Emory act in accordance with his own judgment.

WM. W. BELKNAP,
Secretary of War.

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[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., January 5, 1872.

The following telegram, addressed to you, was received last night:

"Six State senators, employed in the New Orleans custom-house, have formed a conspiracy with the democratic senators to prevent a quorum of the State senate, and have succeeded throughout this entire week in this plot. They have the support of the collector of customs, the United States marshal, and several of your appointees here, and the revenue-cutter Wilderness has been, and still is, employed to take these conspirators beyond the reach and jurisdiction of the sergeant-at-arms, empowered to arrest them, in order that a quorum may be secured and public business transacted. At the moment of assembling of the house of representatives to day a number of United States deputy marshals, armed with warrants from assistant United States commissioner, based upon a frivolous affidavit of members of the conspiracy, suddenly arrested eighteen representatives, four senators, and the governor and lieutenant governor. The effect of this was to break the republican majority in the house of representatives. During the confusion consequent upon this outrageous proceeding, the conspirators, claiming to be the house, but not numbering a quorum of that body, illegally ejected six republican members, seated in their places democratic contestants; threats of violence, backed by United States troops, to carry out this plot are freely made. I respectfully request to be informed if, as claimed, you sustain the collector, the marshal, and other Federal officers in this revolutionary attempt to overthrow the State government—an attempt which, if not discontinued by your appointees and their democratic allies, must result in anarchy and bloodshed.

"H. C. WARMOTH,
"*Governor of Louisiana.*"

O. E. BABCOCK.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., January 6, 1872.

President GRANT, *care of Mr. Borie, Philadelphia, Pa.:*

The following telegram received from Governor Warmoth:

"NEW ORLEANS, *January* 5.

"Hon. J. R. WEST, *Washington:*

"Tell President Grant at once that the pretended house of representatives, organized to-day by Carter, is composed of twenty republicans and twenty-four democrats. In the regular session of the house there were fifty-four republicans and five democrats. I desire to know from the President direct whether he wishes his civil appointees here to continue their support to Carter's treasonable combination, the object of which is to overthrow the State government, and the effect of which will be riot and bloodshed. This unholy conspiracy derives importance and strength alone through the countenance given it by Collector Casey and other Federal appointees, and the necessary inference that the President favors the movement. The city is excited and a riot threatened. I wish to know whether the President desires his name and patronage

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to be employed in accomplishing the object and producing the effect before mentioned. The condition of affairs is that of insurrection, and I want President Grant to instruct General Emory to use his whole force to assist me in suppressing it, and to answer me whether he will do so—either yes or no.

"H. C. WARMOTH."

I respectfully request an answer at your earliest pleasure.

J. R. WEST.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., January 6, 1872.

To President GRANT, *care of Mr. Borie, Philadelphia, Pa.:*

I sent the following dispatch this morning to Governor Warmoth:

"Dispatch for President received this morning and forwarded. It occurs to me that you assume a false position in asking United States troops to suppress any insurrectionary or riotous movement until you have exhausted the power of the State; meanwhile the Federal troops should not molest you."

J. R. WEST.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 9, 1872.

To Senator W. P. KELLOGG, *Washington:*

On the 4th instant the lower house of the legislature assembled, with Speaker Carter in the chair. The roll was called, a quorum announced by the clerk, and after transacting their business the house adjourned till 12 m. of the succeeding day. Soon after this Governor Warmoth issued a proclamation convening the legislature in extra session at 4 p. m. on the same day. The members of the house opposed to the governor were not informed of such proclamation, and at the appointed hour the friends of the governor met in the hall, passed resolutions expelling the legally constituted speaker, without notice removed several parties, and declared themselves the legal body. At the same time the governor caused a large police force, fully armed, to guard the hall. When the hour of 12 m. arrived the speaker and members pledged to reform were denied ingress to the hall, and, as a *dernier* resort, were forced to assemble in a hall in Royal street, where they have remained up to this date. In my opinion Colonel Carter is the legal speaker of the house, and the members who have stood by him form the legal house of representatives of the State. Place implicit confidence in the dispatches of Packard and Casey. They are correct in every particular. The contest is between the substantial citizens of the State, irrespective of color or party, and Warmoth and his faction of office holders. I rely upon you to place matters in proper light before President. See J. Q. A. Fellows.

J. B. COTTON.

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[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 9, 1872.

To General W. P. KELLOGG, *Washington, D. C.:*

In answer to your dispatch desiring to know the opinion of citizens holding official stations, &c., I do not hesitate to say that the meeting of some of the members of the house of representatives, in which they assumed, after the regular adjournment, to act as the house, and as in a regular sitting convened, and in which they elected one Brewster speaker, was in fact an irregular, surreptitious, clandestine, and unconstitutional assemblage, and all the doings thereof, then and subsequently, are null and void; that also the seizure of the hall of house, and the holding thereof by said assemblage, with the aid of the metropolitan police, was, and is, usurpation, a subversion of the lawful and constitutional government of the State, the act riot, and its perpetrators rioters.

WHORTON COLINS,
Judge Seventh District Court, Parish of Orleans.

I concur in the above opinion.

WM. H. COOLEY,
Judge Sixth District Court, Parish of Orleans.

The opinions of the judges of second and fourth district courts will be forwarded you if required; their views coinciding with the above originals of foregoing. [Remainder of dispatch obliterated.]

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 9, 1872.

To Hon. W. P. KELLOGG, *United States Senate:*

After consultation, have concluded martial law for parish of Orleans best solution, and mayor has just telegraphed President to declare it. I think under martial law General Emory can settle State-house question. Warmoth has an illegal assemblage in the institute, and house cannot get possession without fight, when troops will have to interfere as executive department in same building. House meets in hall over Gem Saloon; best halls refused; afraid of assault by police. Immense mass meeting will be held to-morrow night Lafayette Square. Can't help associated press, whom Warmoth owns, lying. Warmoth will attempt to compel obedience to injunction of Dibbley court, and punish members for contempt. Citizens determined to sustain Carter's house. Warmoth determined to break up. Must be collision soon. Executive or judicial no right to extinguish legislative department. Get better news agent here if want facts. Dispatches sent Blair by democrats. Public opinion is fully with us, and must judge yourself whether to present matter in Senate.

S. B. PACKARD,
United States Marshal.

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[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 9, 1872.

To Senator W. P. KELLOGG, *Washington:*

The immense mass meeting last night shows the sentiment of the people to be unanimous against Warmoth's usurpation. Among the four hundred vice-presidents were the most influential and wealthy citizens of both color. Burch, Lott, and Tucker were the colored speakers, and were received with the greatest demonstrations of approval. Following resolutions were adopted. The following resolutions were then read by a secretary and unanimously assented to:

"*Be it resolved by the people of the city of New Orleans, regardless of party, in mass meeting assembled*, That the movement for reform, inaugurated by the democratic and republican members of the legislature, having for its object the repeal of the election, constabulary, registration, metropolitan police, printing, revenue, and other obnoxious laws, meets with the hearty approval and indorsement of this meeting.

"*Be it resolved*, That we recommend to the members of the legislature who have united for this reform to be firm, and to continue in their determination to carry out their plans, and that they be earnestly requested to use all legal and constitutional means for the attainment of the objects had in view.

"*Be it resolved*, That this meeting denounce as revolutionary the conduct of Governor H. C. Warmoth, in his attempt to control, by means of the metropolitan police, the deliberations and the conduct of the general assembly of Louisiana, by taking violent possession of the State house, and filling the avenues of approach thereunto with armed men; thus intimidating the members, and excluding citizens from attending the legislature—the right of which every citizen is clearly entitled.

"*Be it resolved*, That the present alarming condition of affairs, which borders on revolution, is the work of Governor Warmoth; and that the people of the State and city demand his immediate resignation.

"*Be it resolved*, That a committee of ten be appointed to prepare and forward to his excellency the President of the United States a correct and true statement of the source which have led to the present condition of affairs in this State, together with the revolutionary conduct of Governor H. C. Warmoth, asking aid and redress."

S. B. PACKARD,
United States Marshal.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 9, 1872.

To President GRANT, *Washington:*

We, the undersigned, colored members of the house of representatives, (Carter, speaker,) desire to state that we have been deprived of our rights, as members of said house, by the police under control of Governor Warmoth; that we are earnest adherents of reform measures, and curtailment of the enormous (*) of the governor, and for that reason are obnoxious to him; that, after a regular adjournment of the house on Thursday to meet on Friday, at 12 m., Governor Warmoth, in a

(*) Word omitted.

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surreptitious manner, without authority of law, and in violation of the constitution, convened a so-called extra session, which pretended to adjourn *sine die* at 11.30 a. m., on Friday; that, by the action of this revolutionary so-called house of representatives, it was pretended that the speaker was deposed, though there was not a quorum present; that on Friday, at 12 m., the regular hour of meeting, Governor Warmoth had the hall of the house of representatives guarded by the police and the few military that could be induced to respond to the call, and the speaker's room barricaded, with intent and purpose to continue as speaker, by force, if necessary, a man named Brewster—said to have been elected by said house during extra session; that the house, save the minority controlled by the governor, was compelled by reason of the presence of armed police, and from fear of violence of death at their hands, to retire to another hall, there to hold their sessions until such time as competent authority can replace them in possession of the hall legitimately belonging to them; that we are now beset by the executive and some part of the judicial department of the State government, in the interest of Warmoth, with unwarranted interference with the legislative department of the government; that we ask the protection due as representatives of the people and our race, and we therefore claim the protection of the United States Government for our house of representatives, and that, finally, in conjunction with the State central republican committee, and with the masses of the people, irrespective of color or party, we request that you declare martial law, and thus give us our rights.

J. HENRY BURCH,
Parish East Baton Rouge.
HARRY LOTT,
Parish of Rapides.
T. C. ANTOINE,
Parish of Orleans.
JOSEPH B. LOTT,
Rapides Parish.
W. G. JOHNSON,
Parish Orleans.
J. P. WILSON,
East Baton Rouge.
E. WILLIAMS,
Parish Orleans.
HENRY R. FEARSON,
Parish Grant.
BENJ. GEDDES,
Parish Orleans.
WILLIAM HARPER,
Parish Caddo.
A. FIRREAUD,
Saint James, Louisiana.
R. M. J. KERNER,
Fourth Representative District.
JNO. J. MOORE,
Parish Saint Mary's.
HURDERSON WILLIAMS,
Madison Parish.

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[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 9, 1872.

To U. S. GRANT, *President, Washington:*

Governor Warmoth is asking General Emory for more troops, and this morning published a proclamation, from which I make the following extract:

"The civil authority of the State has ample power to enforce the law and preserve order. Within its limits the temper and disposition of the people of all classes and political opinions are to sustain the authorities in the discharge of their duties. There is no need, in Louisiana, of any extraneous power or military force to assist the State authorities in maintaining order and enforcing law."

If he can keep the peace, the people ask that troops be withdrawn from the city. If not, that martial law be proclaimed. You will understand, from my former dispatches, the effect troops protecting Mechanics' Institute has on the anti-Warmothites. Warmoth's friends flooding the city and North with false statements; he also controls the agent of Associated Press. Warmoth's friends have also so assiduously circulated the report that authorities at Washington are in favor of his wing of the party that many are deterred from acting. A large majority of the citizens respect the Federal Government, even should it oppress them by continuing Warmoth's usurpation over them; but if it gives them relief they will as one man testify their gratitude.

JAS. F. CASEY,
Collector, Port of New Orleans.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 9, 1872.

To President GRANT, *Washington, D. C.:*

Warmoth, with police and militia to guard the Mechanics' Institute and prevent, by force, his own men from leaving and his opponents from entering, and the presence of Federal troops to answer his requisition in case of collision between police and sergeant-at-arms of house, give great advantage to Warmoth and intimidate anti-Warmoth members, and if continued will have a most disastrous effect. I agree with the dispatch just sent to Kellogg by Packard as the only solution.

J. F. CASEY, *Collector.*

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
HEADQUARTERS OF THE GULF,
New Orleans, January 9, 1872.

To General E. D. TOWNSEND,
Adjutant General U. S. Army, Washington, D. C.:

[Confidential.]

The committee referred to in my dispatch, of which Mr. J. H. Oglesby is the head, propose, first, to confer with the two factions and threaten

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martial law before asking for it, and I fully concur with Mr. Oglesby in that proposition; in the mean time there is another negotiation going on between the factions themselves, which I think very likely to lead to peace. The United States troops are in position near my headquarters to quell any riot or any disturbance, and there is not the least disposition in any quarter to come in contact with them, or disobey any mandate that I have a right to give. Under these circumstances, though I am greatly in want of troops for the routine business of the department under the enforcement act, I shall not call upon General Terry for reinforcements in the present phase of affairs.

W. H. EMORY,
Brevet Major General, Commanding.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 9, 1872.

To Senator W. P. KELLOGG, *Washington, D. C.:*

There is now in session two so-called houses of representatives. The legal house, presided over by Carter, cannot take measures to possess itself, in a lawful way, of its legitimate hall, because of its being in same building with executive department, and the commanding general deems it his duty to answer requisition of governor for troops to be placed in proximity to State-house, and such proximity is regarded by the Carter house as protection to house alleged to be illegal, for a conflict between sergeant-at-arms of house, and police acting under orders of governor would probably ensue, when the military would interfere. The only solution of question would seem to be for President to direct the protection of the Government to one or other of the houses, which would be acknowledged by the opposing house as settling the question. If Speaker Carter's application, by direction of his house, for Federal protection was answered favorably, the police, it is believed, would retire at once, and no conflict would ensue; if no such recognition can be given, nor martial law declared, and the United States troops respond to the governor's requisition, then the house which the governor protects will war upon and destroy by force the other, though it is the legal house. Instant action is needed.

S. B. PACKARD,
United States Marshal.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 10, 1872.

To President GRANT, *Washington, D. C.:*

Police has now occupied all approaches to temporary hall of house of representatives, to prevent meeting of house at regular hour to-day. Cannot General Emory be directed to furnish troops to protect and clear the approaches to the hall? The regular hall where Warmoth has been sitting is also guarded by police and militia, so that Warmoth controls both buildings.

JAS. F. CASEY,
Collector Customs.

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[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 10, 1872.

To President GRANT, *Washington.:*

Received for transmission to you a communication from fifteen State senators, too long for telegraphing. It alleges that governor has taken forcible possession of the State-house, police, militia, and armed thugs, and has excluded therefrom all citizens not in his interest, together with speaker and majority of legal members of the house; and he has by force maintained an illegal house of representatives. It gives a synopsis of proceedings of the legislature this session, and declares that the subscribers cannot attend the session of the senate for fear of threatened and illegal imprisonment. In order that they may discharge their duties to the State, they beg you to declare martial law. Will forward by mail.

JAS. F. CASEY,
Collector of Customs.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 10, 1872.

To President GRANT, *Washington, D. C.:*

The original of dispatch to you by democratic committee of this morning asking for martial law is in my possession. They have also telegraphed to Kerr, to urge martial law. The killing of Whyland last night is said by police to have been done by McCormick, a sergeant of the house appointed by Carter. Citizens who witnessed the row say the shooting was done by police. Some bankers and brokers, holding securities based upon the action of Warmoth and his legislature, are opposed to martial law, and are giving him secret support. Warmoth controls the police, militia, and some courts, and can do any unlawful act which the citizens can only resist by force. This being riot, the regular troops step in and suppress it. The sentiment of nine-tenths of the citizens are exceedingly friendly to the administration, and say they cannot fight the troops, and hail the Government as their deliverer, if Warmoth usurpation could be checked.

JAS. F. CASEY,
Collector.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Lousiana, January 10, 1872.

To President GRANT:

Great uneasiness in business circles; shops closed; life and liberty unsafe. General anarchy prevails; no confidence in State government. Prominent citizens say they wish martial law declared, at all events temporarily, until order restored.

D. G. DUNCAN,
Associated Editor New Orleans "Bee."

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[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 10, 1872.

To President GRANT:

At a meeting of the members of the legislature who were forcibly ejected from their hall of the assembly by the metropolitan police, under instructions from the governor, the following resolution was unanimously adopted this morning:

"Whereas, having been driven from our seats by the armed police of the governor, and anarchy prevailing in the city, threatening riot and bloodshed, therefore, in the interest of peace and order, and the preservation of our legal and constitutional rights, we earnestly request the President of the United States to proclaim, immediately, martial law in the city of New Orleans.

"J. C. MEADOWN,
"*Chairman.*
"J. H. M. VEAN,
"*Secretary.*"

[Telegram.]

TELEGRAPH, WAR DEPARTMENT,
New Orleans, January 10, 1872.

To General TOWNSEND,
Adjutant General U. S. Army, Washington, D. C.:

The committee which I have designated as the committee of bankers and capitalists is, in fact, the committee of fifty-one, of which Mr. Marks is president, composed of the citizens representing the property and substance of the city, and appointed by the people to redress grievances. It has not completed its labors to settle the war between the factions, and through a sub-committee, now at my headquarters, suggests that the consideration of the subject of declaring martial law should be postponed to enable them to make further efforts. There is nothing in the military situation to demand immediate action, and I therefore concur in the request of this committee.

W. H. EMORY,
Brevet Major General, Commanding.

[Telegram.]

WESTERN UNION TELEGRAPH COMPANY,
HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., January 10, 1872.

To General E. D. TOWNSEND,
Adjutant General U. S. Army, Washington, D. C.:

Early last evening a member of the legislature was killed in the streets of this city. The killing is charged upon the Carter faction; and a coroner's jury has so determined. A sergeant-at-arms and several others have been arrested, and a warrant has been sued out for the arrest of Mr. Carter himself. The armed police have seized the hall in which Carter's faction were lately in session. I have been appealed to by Mr. Carter to aid him in regaining his hall, but have positively

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refused to lend the aid of the troops as requested. I was appealed to by the governor to aid him in making the arrest of Mr. Carter as an accessory to the killing, but have declined to use the troops for that purpose. The troops are still at their temporary barracks, near these headquarters. So far as the action of the legislators and their personal movements are concerned all the effects of martial law now exist, with the power of effecting results in the hands of the governor. The opponents of the governor claim that the legitimate resource to redress their evils, (which is to go into armed resistance,) is only restrained by the presence of the United States forces. They admit that the troops are bound to prevent riot, and against them they have apparently no wish or inclination at present to operate. As I am aware that applications have been sent to the President to declare martial law, and as I may at any moment think proper to recommend it myself, I have thought it my duty to communicate the situation. There is great excitement. I have asked General Terry to send me a squadron of cavalry at once. A force of that kind is absolutely necessary outside of the present emergency. The committee of bankers and capitalists are to meet me at 7 this evening.

W. H. EMORY,
Brevet Major General, Commanding.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 10, 1872.

To Attorney General WILLIAMS,
Washington, D. C.:

I have to-day a petition signed by a thousand citizens, without regard to party, asking me to swear in citizens for volunteer police to protect persons and property, in the absence of the regular police, withdrawn for political purposes; but I cannot comply, because a late law forbids the mayor to organize or use a police for any purpose. Let us have martial law at once. The people generally, of all parties and classes, desire martial law. The democrats have committed themselves, and are the most earnest in favor of it.

BENJ. F. FLANDERS, *Mayor.*

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 9, 1872.

To His Excellency U. S. GRANT,
President of the United States, Washington, D. C.:

The meeting to-night effected no good, but demonstrated intense exasperation. I renew former request for martial law, as the only solution of the difficulty. Without martial law the troops cannot act further without compromising the administration.

BENJ. F. FLANDERS, *Mayor.*

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[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 9, 1872.

To President GRANT, *Washington, D. C.:*

The executive is holding the hall of the house of representatives by the police, and excluding citizens and members therefrom, and attempting, by violence and intimidation, to control the action of the members. Over half the senate are absent from the State, and afraid to return, lest violence and arrest should be practiced upon them. The excitement and indignation against the government is so great among the people of both parties that an outbreak is imminent and cannot be avoided without a declaration of martial law. But for the proximity of United States troops to aid the police, a collision would have taken place ere this between the police and the citizens. For the protection of the house of representatives, over which I preside, and to prevent bloodshed, I respectfully suggest a declaration of martial law, and the community, without distinction of party, will justify the same.

GEO. W. CARTER,
Speaker House of Representatives.

The President telegraphed James F. Casey to-day:

"Troops cannot be used except under provisions of law."

January 10, 1872.

[Telegram.]

THE WESTERN TELEGRAPH COMPANY,
New Orleans, January 9, 1872.

To General E. D. TOWNSEND,
Adjutant General, U. S. A., Washington, D. C.:

A number of the prominent bankers and property-holders are to be at my headquarters at four (4) p. m. this evening. I strongly advise no action be taken on the proposition about martial law until I communicate what they have to say.

W. H. EMORY,
Brevet Major General, Commanding.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 10, 1872.

To the PRESIDENT OF THE UNITED STATES, *Washington, D. C.:*

The executive committee of the State central committee of the democratic party of this State have resolved to request your excellency to immediately declare martial law in the parish of Orleans. The governor has subverted by armed violence the government of the State, and the committee resort to the recommendation of this extreme remedy in the interest of public order, public peace, and the preservation of the

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community against the state of anarchy precipitated upon the people by the revolutionary proceedings of the governor.

H. D. OGDEN,
President of the Democratic State Central Committee.
F. FUSILIER,
Chairman of Executive Democratic State Committee.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Bay Saint Louis, Mississippi, January 11, 1872.

To Hon. W. P. KELLOGG, *United States Senate:*

See President. Urge martial law. Warmoth's conduct outrageous and revolutionary. No safety or quiet till done. Will prevent blood shed.

JOHN RAY.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 10, 1872.

To President GRANT, *Executive Mansion, Washington, D. C.:*

The following editorial appeared to-day in the New Orleans Bee, (democratic.) Please give it to Associated Press after reading:

"The duty of the Federal Government in the present crisis is, the Federal Government would not only be justified in putting down the administration of Governor Warmoth, but is bound in duty to cause such a rule to cease as he has established in this State. It must be known to the authorities at Washington that for the last two years the people of Louisiana have been actually living under the government of a dictator, although the form of it has been republican. The legislative and judicial departments of the government have been in operation, it is true, but the influence and will of Governor Warmoth have been very perceptible in much that has been done by them. The governor, it is well known, has been able to secure the adoption of such measures by the general assembly as he had determined to favor, and has had but little difficulty in preventing legislation unfavorable to himself. The judiciary of the State, with a few honorable exceptions, have been as subservient as the legislative department, and, not content with governing the State, Governor Warmoth has interfered in the local affairs of every city, village, and parish in Louisiana. He has been the actual mayor of New Orleans, and chief of her police. By his immense patronage he has been able to wield a power unexampled in the history of any State in the Union; and what has been the result of this rule? The State and city are crushed with a load of debt which the most sanguine among us believe it is impossible to carry, much less to pay. All lines of business and all branches of industry languish, and bankruptcy threatens to overtake the most prudent of our commercial men. The only persons who seem to prosper are Governor Warmoth and those who have the good fortune to share his favors. A more absolute despotism does not exist on the face of the earth than that which Governor Warmoth has established in Louisiana; by his registration, election, constab

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ulary, militia, and metropolitan laws, it is in his power, and he has already exercised it, to declare the result of election as he wished to do. He has boasted openly of his power in this respect. He rests upon these laws for his re-election to the office he now holds and the perpetuation of his rule. The scenes of the last seven days in New Orleans must have satisfied the most skeptical of our people that Governor Warmoth will stop at nothing, not even murder, to accomplish his purposes. He has declared open war against that section of his party which is opposed to his administration. He has attempted to drive from his seat the speaker of the lower house of the general assembly, and, finding he was likely to be impeached for high crimes and misdemeanors, surrounded the State-house with armed men for the express purpose of preventing the adoption of such a measure. He has, by every possible means,* to incite a riot in the streets. Business has been stopped, and the population has been kept for days in a state of great agitation. He has sent all over the city; has hired bullies, armed with dangerous weapons, for the purpose of intimidating and dragooning into his service members of the legislature unwilling to countenance his villainous schemes. Several citizens have been wounded and one killed in the conflicts which the governor has thus provoked, and, in fact, a state of anarchy has prevailed in New Orleans for upward of a week past. Under these circumstances, have we not the right to ask the Federal Government to step in between our people and Governor Warmoth, who abuses his people and tramples on the law? If martial law is justifiable in any conjuncture, it surely is so in a crisis like the present. It is in every man's mouth that the authorities of the United States are to blame for suffering such a condition of things to continue. The people cannot put down Governor Warmoth while he is supported by the Federal Government, but the latter has both power and the right to see that the people of the States are not misruled by the very men who obtained office under the laws established over them by that Government."

[Telegram.]

THE SOUTHERN AND ATLANTIC TELEGRAPH COMPANY,
New Orleans, January 11, 1872.

To President GRANT, *Washington, D. C.:*

The following is the editorial of the Bee of this morning. After reading give to press:

"*The situation.*

"The seizure by Governor Warmoth's police, yesterday morning, of the building at No. 17 Royal street, where the house of representatives, under Mr. Carter's speakership, had held its session, created considerable excitement in this city, and the general opinion that the difficulty between Governor Warmoth and his adversaries could be settled in no other way than by President Grant establishing military in this parish. Accordingly, a number of telegrams were forwarded to Washington by citizens, representing the necessity that existed for martial law, but at a late hour last night the President had not seen fit to direct General Emory to declare it.

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* Word omitted in original dispatch.

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"There is however, reason to hope that, when the President and his advisers come to comprehend the true condition of affairs here they will feel themselves justified in granting the request that has been so urgently addressed to them. We see no *other* possible solution of the difficulty than by the interference of the Federal Government.

"Martial law is certainly not a desirable form of government, but it is infinitely better than no law at all, and that in effect is our condition at the present moment. The State-house is like an intrenched camp, and is defended as if it were besieged. Civil government is in abeyance; the city lies at the mercy of Warmoth and his armed police, who occupy the streets, interfering with the free movement of the people, and compelling them to close their business establishments from fear of a riot.

"Governor Warmoth, by means of this armed force, can cause the arrest of any person obnoxious to himself, and can place the person so arrested beyond the reach of judicial process; in other words, the city is at the present moment under martial law substantially, although it has not been formally declared. No one's life or property is safe under these circumstances. Why, then, should President Grant hesitate to assume, through his Army officers, the government of New Orleans? Its mayor and council are powerless to protect the citizens against Warmoth's ruffian police, who arrest and shoot down inoffensive persons without provocation. Governor Warmoth assumes the powers of a military commander-in-chief. Even over the general assembly he has issued a proclamation couched in terms more appropriate to an officer commanding troops than the governor of a State addressing members of a co-ordinate department of the government. His language is: 'I do further command all representatives legally elected to the general assembly to return to the discharge of their duties at the State-house.'

"Since when, we should like to know, was it that the executive of a State was empowered to dictate to the legislative department? The only visible authority in the city of New Orleans is that of the executive of the State, and his will seems to be the rule, and a more peremptory autocrat there could hardly be. He recognizes authority to no one. His ambition is unbounded. Is it not time that such a vaulting career should be terminated? Is it not a shame in a republican country, an officer, to obey the constitution and the laws, should be suffered to trample rights under his feet that are held sacred even in countries governed under the forms of despotism?

"We again appeal to the President of the United States, and ask him to come to the relief of our downtrodden people."

JAS. F. CASEY,
Collector.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 11, 1872.

Hon. GEO. H. WILLIAMS,
Attorney General, Washington, D. C.:

The following proclamation by the governor was issued yesterday.

His revolutionary course against the legal house of representatives can be plainly seen, and, unless checked, people will have no liberties left them. A co-ordinate branch of the government will be broken up:

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"STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
"*New Orleans, January* 10, 1872.

"*To the people of Louisiana:*

"For ten days or more, a revolutionary and irresponsible body of men, pretending to represent the house of representatives of the general assembly of Louisiana, presided over by George W. Carter, who falsely pretends to be the speaker thereof, have been engaged in revolutionary movements subversive of lawful authority, and tending to insurrection; outraging the dignity of the State, and putting the good people thereof in fear and insecurity; and

"Whereas, in the pursuance of these same revolutionary acts, open violence has resulted, willful murder been done, and the peace of the State set at open defiance: Therefore,

"I, Henry C. Warmoth, governor of the State of Louisiana, do hereby issue this my proclamation, declaring body of men illegal, revolutionary, in open insurrection, and do command to desist from arresting citizens, whether members of the general assembly or other persons; and I do further command all representatives, legally elected to the general assembly, to return to the discharge of their duties at the State-house, and unless these illegal and revolutionary proceedings aforesaid are discontinued, I hereby declare that I will arrest every person engaged in it, and will disperse the members of the body authorizing it.

"Given under my hand and seal of the State this 10th day of January, A. D. 1872, and of the Independence of the United States the ninety-sixth.

[SEAL]

"H. C. WARMOTH,
"*Governor of Louisiana.*"
JAMES F. CASEY, *Collector.*

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 11, 1872.

The Attorney General of the United States:

We, the undersigned, members of the bar of Louisiana, believe that under the existing state of affairs it is for the interest of this community that martial law should be proclaimed, and that life and property are insecure here without it.

LOUIS JANIX.
CHARES B. BUCK.
ANTHONY SALBALA.
JOHN J. FINNEY.
F. G. CHAMBERLAIN.
FRANK McGLOIR.
A. J. LEWIS.
EUGENE STAS.
HENRY C. CASTELLONE.
JOHN A. GROW.
GEORGE W. BUCKNER.
Of Baton Rouge.
JOHN M. COONEY.
ALBERT VOORHEES.
FERGUS FUSILIER, and others.

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[Telegram.]

THE SOUTHERN AND ATLANTIC TELEGRAPH COMPANY,
New Orleans, January 11, 1872.

Attorney General GEORGE H. WILLIAMS:

I transmit the following address; the original, in my possession, to be forwarded by mail; the one appointed by the mass meeting held on Lafayette square, on Monday night, 8th January, which, according to the Picayune, was attended by ten thousand persons, decided that martial law must be immediately declared. Merchants, lawyers, judges and the community in general, favored this recommendation. Martial law exists, and has existed, in fact, for several days; as by this revolutionary proceedings Governor Warmoth's armed police have absolute power to take and hold possession of property, seize any person, and resist any writs. This condition of anarchy and irresponsible armed authority is the result of Governor Warmoth's unconstitutional call of general assembly in extra session, while in regular session, and notifying only his supporters of his extra call; his taking by armed police and holding, by men armed with muskets, the State-house and its approaches, holding members by intimidation and corruption, compelling those who refused to sanction and ratify his illegal acts to meet elsewhere, with the speaker of the house, whose legal title to his seat cannot be questioned; the constitutional assembly was prevented from meeting at the place, and they have been sitting on Royal street, by an armed force who were posted during the night, so as to endanger the life of every member. These extraordinary usurpations and abuses of power have excited against the governor the indignation of all classes and the feeling that their rights, liberties, and property, can only be saved against invasion of the executive and armed police by the declaration of martial law. A written and lengthy address will be sent by mail.—Joseph H. Wilson, chairman committee of ten appointed by meeting.

JAMES F. CASEY, *Collector.*

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 11, 1872.

President GRANT:

The usurpations and unlawful acts of the governor are so oppressing our people and the citizens generally that there will be hereafter no safety for person or property except by Federal interference by declaration of martial law; we, therefore, respectfully request martial law be declared in this parish.

S. ARÉSTE DES MARY.
B. F. JOUBERTS.
G. CASENOVE.
CHAS. GRANDPRE.

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[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., January 6, 1872.

President GRANT:
Care of A. E. Borie, Philadelphia, Pa.:

The reports directed in your telegram of Thursday night have been ordered. Have seen Secretary of War, who hands me the following, just received, addressed to you:

"NEW ORLEANS, *January* 6.

"By order of the house of representatives and in their behalf, I respectfully request, under article four and section four of the Constitution of the United States, that the general commanding be directed to furnish such military force as will be sufficient to protect them, as the legislative branch of the government, from the revolutionary, illegal, and violent course of the executive of the State.

"GEORGE W. CARTER,
"*Speaker of the House of Representatives.*"

I think this request should not be complied with; the house alone is not the legislature. Last night, hearing that attempts were to be made to re-arrest the State officials under United States process, and that resistance was possible, I thus dispatched to the district attorney and marshal:

"Keep the legal process of the United States from being abused for political purposes. Collision with the State government must be avoided, if possible."

A. T. AKERMAN,
Attorney General.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., January 6, 1872.

The PRESIDENT OF THE UNITED STATES,
Care of Hon. A. E. Borie, Philadelphia, Pa.:

The following telegrams have been received, dated last night, 5th instant; first, from John M. G. Parker to you:

"Failing to depose Speaker Carter, Warmoth prevents him from acting. State-house guarded by police and Thugs. Great excitement among citizens, irrespective of party, who approve Carter's course and sustain Marshal Packard."

Second, from General Emory:

"To ADJUTANT GENERAL:

"Nothing but the free display of the United States forces at hand, and acquiescence which each of the contending factions and the citizens generally yield to the United States authorities, has prevented serious fight here. To-day the contending parties have pledged themselves to submit their grievances to the arbitrament of the law. If it should prove that they have done so in good faith, order can be maintained; if not, a very bloody riot must ensue, for the citizens are greatly exasper-

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ated. It might be well to send me another regiment at once, though I do not demand as necessary to preserve peace. There is already a misunderstanding of the terms on which it was ageed to maintain peace, and to-morrow may bring a repetition of the disturbances of to-day. After your telegram of this morning, thought it would be proper to state the condition of things at the close of the day.

"W. H. EMORY."

I have conferred with the Attorney General, and am of opinion no more troops should be sent, unless further demanded by Emory.

WM. W. BELKNAP,
Secretary of War.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 7, 1872.

The National Republican to-day says: "Mr. Warmoth cannot wonder if his elevation to office has not wilted his intellect, or the sudden possession of great wealth, acquired from his office, and under the guise of law, from the people of Louisiana, of having made not an imaginary strength, as freebooters feel when, after robbing the wayfarers, in their fancied security they sit down to divide their ill-gotten gains. We say, if Governor Warmoth does not hold these views, he must bend to the popular will, resign his place, and permit the people of the State to take possession of their own property and form their own government.

"The barricading of the streets by the police, assisted by the militia, is an outrage to which the people, in their present temper, will not submit. Ordering the arrest of legally elected members of the legislature because they are opposed to a continuance of a robbery of the people and a sustenance of himself and myrmidons in power, are revolutionary acts which yesterday met with a merited rebuke from our citizens, and from the United States authorities."

The New Orleans Bee (democratic) to-day says: "It is evident, in short, that we no longer have any government, and are in a state of complete anarchy. The governor has placed himself without the law by his arbitrary proceedings and corrupt practices. The lieutenant governor, illegally elected, has become the accomplice of an attempt at assassination. The confederates of these two men committed, day before yesterday, another attempt at murder. The police, controlled by Messrs. Warmoth and Pinchbeck, instead of watching the security of the city, are employed to guard the usurpers and menace the public peace. We repeat, therefore, the senators and representatives who do not wish to indorse the responsibility of the usurpation committed by Mr. Warmoth must take measures to constitute themselves legally, and in a legal form put an end to the dictatorship. If this cannot be done, if the two chambers are equally divided, so that there is a majority upon either side, then the Federal authority, before permitting the stoppage of the government it has created, owes its assistance to the people of Louisiana in emerging from anarchy and constituting a government which will not be the product of fraud and corruption.

"The general who commands the forces of the United States has said he can only intervene to suppress the disorders that may arise. There is at the same time something of cruelty and of wrong in this attitude. The people can submit to government, however bad it may be, but it is

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barbarous to constrain them to remain a prey to a deplorable anarchy, arising from a conflict between the legislature and legislative power. Let the United States leave the people free, and they will know promptly how to put an end to this anarchy by sweeping the usurpers; or, what is better, let the nation take into its hands the cause of legality, and let it re-organize the government, if it cannot succeed in bringing out of the present chaos an acceptable state of affairs.

"It is hard to have arrived at a point to wish for the establishment of martial law, but if the crisis does not end in the triumph of the legislative honor, we see no other solution, and perhaps it would not be the worst, in order to arrive at the reform of all the abuses which have bankrupted our city and State."

The New Orleans Times to-day says: "But democrats are sought to be deceived or intimidated from their duty in the obvious course indicated by the appeal to their partisan prejudices, through the suggestion that they are giving aid to the Grant administration, separating themselves from their party in the nation, and contributing to secure renomination of the President. Even if these were inevitable effects of a combination against the State administration, and there should be any just grounds for general belief, and that the adherents of Governor Warmoth were opposed to Grant, there will be no hesitation throughout this State among all classes of honest citizens in uniting in the declaration that the repeal of the vile bills by which this State has been made the abject slave and pitiful victim of the most rapacious band of political knaves and adventurers that ever desolated a country, far, far outweighs, in interest and importance, any measure which would be involved in the presidential contest."

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 8, 1872.

Senator W. P. KELLOGG:

The undersigned citizens, conjointly with several hundred others, the most prominent property-owners, without distinction of party, signed and published the following address to the people of Louisiana. Please use your best efforts to aid us to redress our grievances and sustain Carter and the brave members of the house.

ALBERT VOORHEES.
H. G. OGDEN.
E. L. JEWELL.
J. B. COLTON.

To the people of Louisiana:

In the present disturbed condition of political affairs and parties, and with the sincere desire of throwing all our influence on the side of reform, and in order that a more honest administration of our laws and revenue may be had, the citizens and residents of this city identified with its welfare and prosperity, your brothers and countrymen, with the dearest wishes for our common interest at heart, deem it wise, expedient, at this proper moment to make this our appeal to you, without using or coalescing with either party, to stand by and support the co-operation by both democrats and republicans in their contest against an organized band of bad men, living and depending solely upon their

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continuance of their shameful and wanton administration of our laws and revenues to suit and accomplish not only their vile ends, but our social and financial ruin. Our reasons are as follows:

We will secure the repeal of the election law and a fair chance at the polls to assert our right to choose men and measures; we will secure the repeal of the registration law, the infamous metropolitan police law, from which we of this city so peculiarly have suffered; we will secure the amendment and modification of the school law, that the public-school funds may be used alike for the children of both races, and that our public schools of this city, once the pride and boast of all our people, may arise from the ruin brought upon them by designing men, who have prostituted this sacred trust and fund to their own private and personal uses; we will curtail the expenses of collecting the revenues of the State more than $1,000,000; we will reduce the expenses of the legislature from $900,000 per annum to $150,000; the public printing from $650,000 to less than $50,000; we will strike a fatal blow at the immense accumulation of power in the hands of the executive, and which experience has taught us may be used not only to promote personal advantages, but make a governor the worst of tyrants; the militia and constabulary laws will be repealed.

What more can we expect or ask, and what more do a brave and fair-minded people want? To our stand-point we ask you to come. Give us your sympathy and countenance. Give to the brave men of the legislature who are with us your praise and support, and to the traitorous few who have sold themselves, their honor, their homes, and country, give the full measure of the scorn and contempt of an outraged and betrayed people.

Alick Boarman.	J. B. Walton.
Charles J. Keir.	L. J. Beyant,
J. B. Colton.	*of St. Marietan.*
E. L. Jewell.	R. Ellicot.
Edmund C. Kelley.	Theo. Lewis.
Samuel Barnes.	Fergus Fusilier.
J. B. Eustis.	James Ellis.
L. J. Solomon.	John J. Milton.
W. G. Boylan.	Anthony Sambali.
E. O. Carter.	Henry C. Castillaros.
Louis Duraigneaud.	Albert Voorhees.
James McCooney.	John Tobin.
J. Graham.	P. Labarre.
William Reedmills.	Henry C. Brown.
Walter H. Rogers.	J. W. Patten.
W. H. Wheaton.	Charles A. Ruffeer.
Jules P. Seatarain.	Richard C. Bond.
L. St. Martin.	W. L. Jewell.
J. H. Wingfield.	W. Fagan.
G. Andre.	Jas. Lingar.
George W. White.	C. N. Caler.
Michael Guy.	W. T. Houston.
M. Cologne.	J. M. Harding.
H. Preschur.	J. O. Laburt.
J. Hampden.	C. W. Culbertson.
Lewis P. W. Ducros, jr.	J. F. Dick.
Thomas J. Cooney.	John Kirwin.
Louis A. Wiltz.	Thos. C. Weller.
John S. Sully.	M. Marigny.

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J. H. Hardy.
John D. Clarke.
J. S. Scott.
Frank Wheaton.
T. T. Evers.
Henry Judson.
Charles Wiernberg.
Anarole Brienque.
E. John Ellis.
F. Sambolaser.
F. X. Barbat.
Paul Waterman.
Joseph Demornelle.
V. Prataz.
L. Odonell.
Thomas Reynolds.
Alfred Vean.
F. W. Welsh.
L. E. Forslatt.
Charles Delassus.
S. W. Scott.
Armand Selle.
R. Mallard.
Charles De Ornos.
L. P. Ray.
James Zunts.
Edward Watson.
T. J. Marsh.
L. Arnald.
G. Deferect.
M. Vandorbaun.
Joseph Salom.
Jules St. Alexandre.
John T. Dufour.
L. M. Monrose.
A. Rocquet.
A. Terrier.
T. G. Vienne.
J. O. Bartles.
W. L. Standford.
John Ingalls.
John Abbott.
Joseph Franklin.
James C. Cumnarre.
F. Borge.
G. J. Brown.
Richard W. Watts.
W. H. Kells.
M. G. Leoney.
M. Kane.
George F. Maristiny.
J. Sonenes.
H. A. Ogden.
W. B. Mumford.
T. J. Johnson.
E. R. Chubbuck.
B. H. Henderson.
A. R. Brienque.
M. C. Lunde.
J. M. West.
J. T. Aycock.
J. E. Dick.
J. M. Marincorych.
M. O. Tracy.
Dr. H. B. Yome.
George Forestall.
John G. Monrose.
A. Sarras.
E. Stillar.
Jas. Wielton.
P. S. Wiltz.
Victor Deonorvelle.
Bernard Aregno.
William J. Hammond.
E. D. Terreborne.
John J. Lugenbule.
A. F. Camel.
William Westine.
T. A. Delfrigs.
H. Groyeau.
V. H. Righter.
John G. Mercer.
Boinard Cozens.
G. Lanaux.
Chas. Leyver.
Denis Roche.
C. H. Andrews.
R. W. Holbrook.
W. H. Curdeff.
J. H. Woodhuer.
E. Harry Wilkinson.
Mat. Kennedy.
S. Alex.
John L. Lewis.
E. Howard McCalt.
Mlph. Fornet.
T. Cosen.
P. E. Lorin.
P. Malfid, jr.
G. Martil.
Eugene E. Delevy.
W. P. Power.
C. Caserly.
E. P. Harris.
G. W. Richardson.
William Inlsee.
John Muller.
J. C. Stafford.
J. Shiller.
John S. Wilkins.
Peter Ramo.
William H. Harris.

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P. H. Maloney.
James Fitzgerald.
R. V. Serest.
John Smith.
Louis Benson.
Michael Ryan.
Henry Nelson.
Henry Jolly.
Max. Meyer.
John Corrigg.
Y. S. Peizer.
L. Rensle.
Frank Kalovisy.
M. F. Thompson.
W. Woeiper.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
DATED HEADQUARTERS, DEPARTMENT OF THE GULF,
New Orleans, Louisiana, January 11, 1872.

General E. D. TOWNSEND,
Adjutant General U. S. Army, Washington, D. C.:

I have withdrawn, for the present, my application to General Terry for re-enforcements.

W. H. EMORY,
Brevet Major General, Commanding.

ADJUTANT GENERAL'S OFFICE,
Washington, January 12, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant General.

WESTERN UNION TELEGRAPH,
War Department, January 12, 1872.

By telegraph from New Orleans, January 11, 1872:

Geheral E. D. TOWNSEND,
Adjutant General U. S. Army:

The committee of fifty-one failed to make any compromise between the two factions; and in place of bringing me their conclusion at seven o'clock, as promised, invited me to attend their meeting at an hour which I did not deem it advisable to do. There is nothing more in the military situation to require any military action on the question of martial law; and as the civil authority has officially informed me it does not longer apprehend a riot, and that being my own judgment, I have sent part of the troops to the barracks, and will return the remainder to-morrow. The legislative question is as far from settlement as ever; but my part being ended, if the committee have anything further to communicate, I shall suggest it to be done by the committee.

W. H. EMORY,
Brevet Major General, Commanding.

ADJUTANT GENERAL'S OFFICE,
Washington, January 12, 1872.

Official:

E. D. TOWNSEND,
Adjutant General.

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THE WESTERN UNION TELEGRAPH COMPANY,
War Department, January 12, 1872.

Headquarters of the Gulf. By telegram from New Orleans, Louisiana, January 11, 1872:

General E. D. TOWNSEND,
Adjutant General U. S. Army:

The following resolutions were handed me after my telegram of 10.30 had been forwarded.

The citizens' association which has passed the resolutions is, beyond all doubt, the representation of wealth and business capabilities of the city, and their means of information of the condition affairs are more to be depended on than mine. I therefore recommend these resolutions to the earnest consideration of the Government. These resolutions were handed me in person by Mr. Clinton, United States treasurer, one of the committee of fifty-one.

W. H. EMORY,
Brevet Major General, Commanding.

"NEW ORLEANS, *January* 11, 1872.

"General W. H. EMORY:

"GENERAL: I have the honor to transmit the following resolutions adopted at a meeting of the citizens' executive committee this evening, viz:

"'Whereas, in view of the facts as stated by the committee to wait upon the commanding general and the committee on conference, that they have been unable to effect any arrangement with the two factions, and it being extremely important that the difficulty should be brought to an end, and that very promptly: Therefore,

"'*Resolved*, That in the opinion of this committee the only way to solve the problem, and to bring our heretofore peaceful city back to a healthy condition, is to request General Emory to apply to the President of the United States for authority to proclaim martial law.

"'Very respectfully,

"'W. P. RICHARDSON, *Secretary.*
"'J. N. MARKS, *Chairman.*'"

ADJUTANT GENERAL'S OFFICE,
January 12, 1871.

Official:

E. D. TOWNSEND,
Adjutant General.

Dispatch from Governor Warmoth to Senator West, to be shown to Mr. Dawes.

NEW ORLEANS, LOUISIANA,
January 12, 1872.

I see by the papers that you proposed yesterday the appointment of a committee to investigate Louisiana affairs. I thank you for it. We will show a most *damnable* conspiracy between democrats, custom-house officials, and the United States marshal to overthrow the State govern-

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ment. A United States commissioner, until lately a clerk in the United States marshal's office, issued writs, arrested the governor, lieutenant governor, members of the senate, and twenty members of the house, at the moment of assembling, and during the absence of the members seven were turned out and six conspirators seated in their places. The house was intimidated by an armed secret society called the Seventy-six, which was assembled near the capitol by a proclamation in the papers of Thursday morning. Democrats, with Herwig and Conpland, deputy collectors; Ingraham, keeper of the bonded warehouse; O'Hara, an inspector; and Sypher, an assistant on custom-house work, all senators, have succeeded in breaking a quorum of the senate, by being absent on the revenue-cutter Wilderness for a week, and are now in the State of Mississippi. The bolters consist of twenty democrats and twenty republicans, several of the latter employés in the custom-house. They hold informal meetings in the building now. The marshal, collector, and other officials, having failed to overthrow the government by fraud and mob violence, are now inducing people to request martial law. Many people have requested it, among others six democratic district judges. The only two republican judges refused to sign. The citizens' committee, representing property-holders' association, passed a resolution requesting martial law by a vote of twenty-one to nineteen. The avowed object of this movement is to use United States troops to put expelled conspirators back into the house of representatives, where they can renew their efforts to overturn the government. The following appears in the morning Picayune:

"The undersigned members of the committee of citizens hereby protest against the action of said committee, whereby they recommended, by a vote of twenty-one to nineteen, to the Federal authorities the declaration of martial law, and for grounds of said protest, among many other reasons assigned, first, that thereby the committee has transcended the mandate under which the said committee was constituted; secondly, that the action is not warranted by any present necessity. Signed, Thomas Allen Clarke, John H. Kennard, R. Pritchard, John I. Adams, J. H. Oglesby. Other signatures, we are requested to say, would have been obtained to the foregoing protest but for the lateness of the hour when the paper was drafted."

The New Orleans Picayune opposes martial law. The following appears in the Evening Picayune:

"SIR: In announcing the vote of the committee of fifty-one, you state that I did not vote. The statement may create the impression that I had declined to vote, or had no opinion on this question. As presiding officer of the committee, under parliamentary usages, I had no right to vote, except in case of a tie. When the vote was announced, I stated that if I could have voted, it would have been against the resolution. I am opposed to the declaration of martial law.

"J. N. MARKS,
"*Chairman.*"

This is for Mr. Dawes, of the House.

NEW ORLEANS, *January* 14, 1872. (Received at 1.15 p. m.)

General E. D. TOWNSEND,
Adjutant General, Washington, D. C.:

In view of the present complication, too intricate to state by tele-

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gram, I have thought proper to send the following letter to the governor of this State.

W. H. EMORY,
Brevet Major General, United States Army.

"SIR: In view of the malignant state of affairs existing in this city during the last ten days, and more particularly of the extraordinary events of yesterday, I have concluded it to be my duty not again to call the troops to this city in the present imbroglio, without further orders from the Government. This being Sunday, and a *dies non* in legislation, I give you timely notice, in order that you may make such reference to Washington, or take such other action as you may deem proper.

"I have the honor to be, very respectfully, your obedient servant,
"W. H. EMORY,
"*Brevet Major General, Commanding.*
"His Excellency Governor H. C. WARMOTH."

ADJUTANT GENERAL'S OFFICE,
January 15, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

NEW ORLEANS, *January* 14, 1872. (Received 11.15 p. m.)

General TOWNSEND,
Adjutant General, U. S. Army, Washington, D. C.:

Colonel George W. Carter, who claims to be speaker of the legislature, and is recognized as such by the retiring members, has taken advantage of the facts contained in my letter addressed to the governor this morning, and one addressed to him to issue an extra, which has this moment come into my hands, prefaced by inflammatory remarks, which must be calculated to excite a mob to-morrow, which must greatly disturb the peace and prosperity of this great city, and I have been compelled to warn him that I shall recall the troops and place them in position on Canal street, to avert this impending riot, until I can get an answer from Washington. In the mean time I have informed the mayor of the city what I have done, and notified him that if he calls upon me for aid to suppress the riot he can have it. I therefore urgently request that you will immediately instruct me if my course is approved in withdrawing the troops, and what my further action shall be. I do this in view of the fact that the Attorney General has given it as his opinion that my course in bringing troops into the city is illegal.

W. H. EMORY,
Brevet Major General, Commanding.

ADJUTANT GENERAL'S OFFICE, *January* 15, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant General.

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[Telegram. Received January 14, 1872, 12 p. m.]

NEW ORLEANS, *January* 14, 1872, 11.30 *p. m.*

General TOWNSEND,

Adjutant General, U. S. Army, Washington. D. C.:

I wish to add to my telegram of this morning that the line of action pursued by me in the last ten days having resulted in no approximate settlement of the quarrel between the legislative factions and the executive of the State, and believing both factions are keeping up the agitation under the cover and under the presence of United States troops, and that any further action on my part, without bringing myself and troops into contempt, without its being of a more decisive character. I took the course indicated in my telegram of this morning. If instructions were given, I could put a guard at the legislative building and admit only such men as were entitled to seats. Notwithstanding my letter to the governor, I am in receipt of a requisition by him to bring the troops to the city at an early hour to-morrow morning, in order to prevent or suppress domestic violence, which he alleges is very seriously threatened. I fully request to be instructed under this new phase of affairs how to act in the matter. I shall have the troops in readiness, and bring them to a point where they can act on any telegram you may send me.

W. H. EMORY,
Brevet Major General, Commanding.

ADJUTANT GENERAL'S OFFICE, *January* 15, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
New Orleans, January 14, 1872.

His Excellency U. S. GRANT, *President of the United States:*

A dispatch in this morning's paper announces that the Attorney General has expressed the opinion that United States troops should not be brought to this city unless martial law is declared. General Emory is impressed by this announcement, and has given notice to that effect. Under section four, article four of the Constitution, I think we are entitled to the presence of the United States troops to prevent riot in this city. I respectfully ask that General Emory be authorized to have his troops in the city under arms, as we are in imminent danger of riot and mobs that may possibly be as fatal to New Orleans as was the late disaster in Chicago. The simple presence of troops will prevent domestic violence.

H. C. WARMOTH.

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[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, Louisiana, January 14, 1872.

President GRANT, *Washington, D. C.:*

We respectfully call to your attention the use being made by Governor Warmoth of the Federal troops. Their presence in this city enables him to proclaim that they are placed at his service to crush a co-ordinate department of the State government, and determine all legal and political questions by armed force. The effect of this extraordinary abuse of power will be to make the citizens feel that there exists irresponsible martial law, and that the despotism of Governor Warmoth has the sanction of the Federal Government. We appreciate the delicate and difficult position of General Emory, in whom our people have confidence, and call your attention simply to what we believe to be a mistaken view of his duty, and trust that you may be able to afford the remedy we suggest.

J. B. COLTON.
J. B. EUSTIS.

[Telegram.]

FRANKLIN TELEGRAPH COMPANY,
Bay Saint Louis, Louisiana, January 14, 1872.

President GRANT:

Sixteen senators here, unable to return to their duties unless under the governor's military guard and duress, to which we will not submit, ask the President to refuse the use of United States troops to the governor to coerce us and to perpetuate his revolutionary rule.

S. JOHN RAY,
SAM'L S. BOWMAN,
For fourteen others.

EXECUTIVE MANSION,
Washington, D. C., January 15, 1872.

DEAR SIR: Inclosed I send you a dispatch just received from New Orleans, signed, as you will see, by the governor, lieutenant governor, and speaker of the house of representatives of Louisiana. It is my recollection that the claim of the lieutenant governor to his place has been doubted, on the ground that he was elected by the senate on a special call for that branch of the legislature alone, and that the governor himself has admitted that he was not constitutionally elected. The place of the speaker is also contested, and it looks to me that a compliance to this call for the use of troops would be for the Government to recognize one of the two bodies calling themselves the legislature of Louisiana. This I want to avoid, if possible, until the question is settled in a manner more consistent with our institutions. Of course, if there is danger of bloodshed and riot, I should like to prevent it. But I prefer the testimony of others interested in peace and quiet rather than those interested in establishing the claims of either of two factions to be the legitimate legislature of the State before taking action. Please

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call on the Attorney General and obtain his views, and if any action is deemed advisable see me this evening.

Very respectfully, your obedient servant,

U. S. GRANT.

Hon. W. W. BELKNAP,
Secretary of War.

ADJUTANT GENERAL'S OFFICE, *January* 15, 1872.

Official copy.

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

NEW ORLEANS, LOUISIANA,
January 15, 1872. (Received at 6.35 p. m.)

His Excellency U. S. GRANT,
President of the United States, Washington, D. C.:

I have the honor to communicate the following resolution of the general assembly of this State, and unite with it in the request made:

"Whereas certain evil-disposed persons, under the pretense of authority, are exciting the public mind, disturbing the peace, defying the lawful authorities, and otherwise attempting to revolutionize the constitutional government of the State of Louisiana; and whereas the governor of the State of Louisiana has thus far maintained the constitution and laws of the State, and prevented riot and bloodshed, and otherwise upheld the authority of the State, as well as the right of its representatives of the people in general assembly convened, by the judicious (of) use of the military and police forces of the State; and whereas the fundamental law of the United States guarantees to each State of the Federal Union a republican form of government, which it is the sworn duty of the President of the United States to maintain: Therefore,

Be it resolved by the senate and house of representatives of the State of Louisiana in general assembly convened, That the President of the United States be, and is hereby, respectfully requested by the general assembly of the State of Louisiana to furnish and place at the disposal of the governor of this State such military forces of the United States as may be necessary to enable the governor to presesve the public peace and enforce and maintain the constitution and laws of the State of Louisiana against any unlawful combinations, assemblages, or persons in said State, and that the governor be, and he is hereby, requested to forward to the President of the United States a copy hereof for his action.

"O. H. BREWSTER,
"*Speaker House of Representatives.*
"P. B. S. PINCHBECK,
"*Lieutenant Governor and President of the Senate.*"

H. C. WARMOTH,
Governor of Louisiana.

ADJUTANT GENERAL'S OFFICE,
January 16, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant General.

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[Telegram. Received at War Department 10 a. m.]

NEW ORLEANS, LOUISIANA,
January 15, 1872.

General TOWNSEND, *Adjutant General, U. S. A.:*

The excitement in this city is hourly increasing, and if something decisive is not done to signify the wish of the President, one way or another, the force of the opponents of the Warmoth party will become so overwhelming that the small United States force stationed here will become insignificant and utterly powerless to subdue the impending riot to offset. The telegrams approving my course here are freely circulated throughout the city, and I have in my possession extracts from telegrams from men high in position in Washington, purporting to be written by authority of the President, to the effect that if I have brought the troops back to this city I have made a great mistake, when in fact the troops have never been further out of the city than barracks, on the edge of the city. Under these circumstances, these telegrams being directed to responsible parties here, it becomes essential that I be more positively instructed, with authority to show my instructions.

An authentic word from the President, indicated to me, whether I am wholly to withdraw the troops or to take a decisive step in the other direction, and hold the capitol of the State, is necessary to settle the difficulty. If the troops are withdrawn an armed force of from four to eight thousand men, with artillery, is ready to march against the capitol of the State and take possession, which would probably be without bloodshed, although there are in the State-house six hundred armed men, commanded by General Longstreet, himself the commander-in-chief of the governor's forces; and the overthrow of the governor, through the process of impeachment, would most likely ensue. On the other hand, if the United States forces take possession of the capitol it will have the effect of securing the governor in his position, enable him to expel Carter, who, it is claimed by the governor, is already legally expelled, and expel, too, a sufficient number of Carter's adherents, and give the governor undisputed possession of the legislature; this through a peculiarity of the law which enables the governor to appoint his own judges of election and receivers of the votes. Through my personal influence I have deferred for a few hours the movements of the forces secretly organized to take possession of the capitol. I urgently request a speedy answer. No such use as has heretofore been made of the troops can for a moment stay the impending storm, principally owing to the mischievous use of the telegrams previously alluded to. My suggestions of last night, to get the mayor to act, is a failure to a full understanding of my position. It must be borne in mind the United States troops were first reluctantly brought to this city, on requisitions by United States officials and others opposed to the governor, under the provisions of the enforcement act.

W. H. EMORY,
Brevet Major General, Commanding.

Official:

E. D. TOWNSEND,
Adjutant General.

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[Received at War Department 2 p. m.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, Louisiana, January 15, 1872.

General TOWNSEND,
Adjutant General U. S. Army:

Your telegram received. Instructions cover the case, and I hope for the best results. The governor's party is in strong force at the capitol, the Carter party holding a meeting at the Cosmopolitan Hall, and the United States troops all at Jackson Barracks.

W. H. EMORY,
Brevet Major General, Commanding.

Official copy:

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
January 15, 1872.

Colonel W. H. EMORY,
Commanding Department of the Gulf, New Orleans, La.:

Your dispatch received at 10 a. m. this morning submitted. The President makes no change in instructions communicated to you a few minutes earlier.

E. D. TOWNSEND,
Adjutant General.

Official copy:

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

[Received at Washington 5.20.]

NEW ORLEANS, LOUISIANA,
January 15, 1872—4 p. m.

General E. D. TOWNSEND,
Adjutant General U. S. Army, Washington, D. C.:

The Carter legislature adjourned until 10 a. m. to-morrow. Their firmness and numerical strength both probably overestimated. The Warmoth legislature has hurriedly repealed the laws most obnoxious to the citizens, and the governor signs the bills to-night. A joint resolution passed constituting committee to frame new laws; subsidence of excitement attained by this action. Future tranquillity depends upon the nature of laws adopted.

W. H. EMORY,
Brevet Major General.

ADJUTANT GENERAL'S OFFICE,
January 16, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant General.

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[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
New Orleans, Louisiana, January 16, 1872.

Hon. GEORGE WILLIAMS, *Attorney General:*

The President misapprehends the nature of the request of the general assembly. It does not ask him to decide whether the lieutenant governor was legally elected, or which of the two houses is the legal house of representatives. This is a question which the general assembly can and will settle itself, unless it is overpowered by the mob. The question of lieutenant governor is one to be settled by the senate and courts. The existence of the lower branch of the legislature is one to be settled by the members thereof. There met yesterday a quorum of the senate, and no question was raised by any one as to the legality of the election of lieutenant governor. There has been a quorum in the house of representatives every day since the session began. Not a single member has been arrested by either house in order to make a quorum. There is not a member or pretended member of the senate or house excluded from the building. Mr. Carter, the expelled speaker, himself has been invited to the building, together with four other members who, at his instigation, made affidavits against the governor, lieutenant governor, several members of the senate, and some twenty members of the house, and caused their arrest by United States commissioners, on false, frivolous charges, and for which they were expelled by a two-thirds vote of the house, after having been notified for five days to return and show cause why they should not be expelled. There were fifty-eight members of the house present at the State-house yesterday out of one hundred members.

H. C. WARMOTH.

[Telegram. Received at War Department 2.30 p. m.]

NEW ORLEANS, *January* 16, 1872.

General TOWNSEND, *Adjutant General, Washington:*

All quiet. No change in the situation. Democratic and opposing senators have returned to the city, but have not yet taken their seats.

W. H. EMORY,
Brevet Major General, Commanding.

[Telegram from New Orleans, dated January 21; received by J. R. West, at Washington, January 21, at 2.45 p. m.]

Yesterday and last night a handbill was distributed throughout the city, which read as follows:

"*To arms! To arms!! To arms!!! Colored men to the front!*

"Warmoth's slaves at the Mechanics' Institute pretended to-day to expel Antoine, Adolph, Burch, Wilson, Kearson, Williams, Tureaud, Geddis, John Lott, and other colored members of the house of representatives. Warmoth will next attempt to remove Ingraham and An-

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toine from the senate. Rally on Saturday at ten o'clock, at the corner of Rampart and Canal streets, and let those who have dared to trample on your rights as freemen and citizens tremble until the very marrow of their bones shakes. Let the cry be, Down with Warmoth and his thieving crew! Rally! Rally! Rally! Liberty or death!"

In this morning's papers, the Times, National Republican, and in both languages in the Bee, appeared the following:

"Whereas this violent and illegal action of said H. C. Warmoth has so far intimidated and embarrassed the general assembly that a quorum of the house cannot be obtained, and the necessary reforms demanded by the people have thus far been defeated, and the business of the community obstructed, and the public peace threatened and disturbed, and a republican form of government practically and substantially destroyed; and whereas there is no solution of the difficulties nor aversion of the dangers to the liberties, usurpation, and revolutionary violence of said H. C. Warmoth, except in the assertion of the legislative department of the government through its proper officers of its independence and rights:

"Therefore, in accordance with the constitution and laws of the State of Louisiana, and of the instructions of the house of representatives, approved by sixteen (16) members of the senate of said State, I, G. W. Carter, speaker of the house of representatives, notify all whom it may concern, that I shall, Monday, twenty-second, at 11.30 a. m., through the sergeant-at-arms of the house over which I preside, proceed to remove from the hall of the house of representatives and the approaches thereto the metropolitan police and armed men now acting under the illegal order and direction of said H. C. Warmoth, and place said house, with its organization, as it existed at the hour of adjournment, January the fourth last, intact, in its hall in the Mechanic's Institute; and I hereby notify all members of the house that no violence or indignity will be practiced upon them, nor intimidation by sergeants-at-arms, or otherwise, to prevent them from regulating the organization of the house of representatives, as provided for by the constitution and laws of the State and the rules of the house.

"I would also warn all police and other armed men now acting in violation of law by order of said H. C. Warmoth, against resisting the mandates of the house on the premises, and would notify them that no violence is to be used against them except in case of said illegal resistance; and the citizens are informed that no damage will be done to private property and no interference had with the executive officer, and they are respectfully requested for the time being to close their places of business and to keep off the streets in the vicinity of the Mechanic's Institute, as this measure, legal in its character as a last resort, is taken for the protection of public rights and the preservation of republican government in the State of Louisiana. The question before our people is no longer a simple one of reform, but a graver issue is presented by the revolutionary acts of the governor, and that is whether they will quietly permit him to subvert the State government and destroy the independence of the legislative department thereof by the most violent and revolutionary acts.

"The premises considered, we earnestly invite the citizens, irrespective of race or party, to organize and arm themselves, as well as they may be able, and report in force in the neighborhood of two hundred and seven Canal street, where they will be provided with necessary commissions, and sworn in as assistant sergeants-at-arms, and thus, with the law, be prepared to protect their rights. I want a force so po-

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tent in numbers and so representative of the community as will preclude bloodshed and insure abstinence on the part of the executive from further interference with the general assembly.

"You are invited to meet at Rampart street, near Canal, at ten o'clock on Monday morning, when the necessary orders will be given.

"Receiving our power from the people, and desiring to exercise the same in their interest in this hour of peril to their liberties, we invoke their presence and support, as the only protection to the State against the crimes and encroachments of a recreant and traitorous executive.

"G. W. CARTER,

"*Speaker of the House of Representatives of the State of Louisiana.*"

I wish you to bring it to the attention of the President and the Attorney General, and give me result of interview. It seems that a collision cannot be avoided.

H. C. WARMOTH.

[Telegram.—Private.]

FRANKLIN TELEGRAPH COMPANY,
New Orleans, January 22, 1872.

President GRANT, *Washington, D. C.:*

The handbill telegraphed to Washington yesterday, issued from irresponsible parties, and Carter's proclamation, in one particular objectionable, was taken advantage of to create a wrong impression North; the demonstration to-day in aid of Carter was very large, and it is believed would have effected its object without bloodshed, but for the telegraphic order to General Emory, which was read to the crowd, and was understood as sustaining Warmoth. The finger of the United States has throughout the difficulty been sufficient to instantly stop every movement to re-instate Carter. The interposition of the United States troops, in the way again to-day, has demoralized Carter's house and discovered its friends; members' poverty may compel them to scatter. Pretended repeal of obnoxious law by governor's legislature is to-day annulled by ruling in both his houses, that larger number of members were required for quorums than were present at time of pretended repeal. Nor has the governor signed the acts, and thus the desired reforms are defeated. People are anxiously looking for congressional committee.

B. F. FLANDERS,
Mayor.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 269.

RICHARD B. CRAWFORD.

[To accompany bill H. R. 622.]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

House Bill 622, granting a pension to Richard B. Crawford, with his objections.

APRIL 23, 1872.—Referred to the Committee on Invalid Pensions and ordered to be printed.

To the House of Representatives:

I return herewith H. R. 622, entitled "An act granting a pension to Richard B. Crawford," without my approval, for the reason that said Crawford is now drawing a pension as a private soldier, the wound on account of which he was pensioned having been received before his promotion to a lieutenancy.

U. S. GRANT.

EXECUTIVE MANSION, *April* 22, 1872.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 270.

PAYMENT OF FEMALE NURSES.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

Committee on Military Affairs, relative to payment of female nurses for services during the late war.

APRIL 24, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *April* 19, 1872.

The Secretary of War has the honor to report to the House of Representatives, in answer to a request of the chairman of the Committee on Military Affairs for information upon the subject of the bill providing for the payment of female nurses for services during the late war, which is now pending before it, that these nurses were employed and paid under the act of August 3, 1861, section 6, their pay being forty cents per day and one ration; that they were paid by the Pay Department of the Army, and information of the sum of the amounts paid them can now only be obtained from the Second Auditor's Office; that this Department possesses no record of their number, and no claims for pay appear to have been filed by any of them in it.

WM. W. BELKNAP,
Secretary of War.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc No. 271.

CLOTHING TO SOLDIERS IN NATIONAL ASYLUMS.



LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

Clothing issued to disabled soldiers in the national asylums.

APRIL 24, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *April* 19, 1872.

The Secretary of War has the honor to report to the House of Representatives, for the information of the Committee on Military Affairs, which, on the 7th instant, referred to this Department the bill H. R. 1952, with an inquiry whether any clothing had been issued to the disabled soldiers in the national asylums, the issuing of which ought to be legalized, that under the act of March 22, 1867, five hundred suits of clothing have been issued to that number of inmates of national asylums for disabled volunteers, who were in the asylums at the date of the passage of said act, and that no other issues of clothing to inmates of said asylums have been made by this Department.

He deems it pertinent, however, to state, as a matter of information for the committee, that during the latter part of last year a purchase of $25,000 worth of clothing was made on behalf of the inmates of the national asylums, which has not yet been paid for, and that if the bill referred to becomes a law more or less of this clothing, which has already been purchased as stated, will be required to furnish a suit to each inmate of the asylum, for which the Government will receive no equivalent; and that in case the Department is required to furnish clothing to persons not in the Army, and who are not embraced in the estimates of funds necessary to meet the requirements of the service, the annual appropriations must be proportionately increased, in order to provide for these extra issues.

The Department, of course, is not averse to any bill having for its object the issue of clothing to the inmates of such asylums, but desires only that proper precautions be taken to prevent embarrassment to the appropriations under its control, by reason of such bounty.

WM. W. BELKNAP,
Secretary of War.

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LIGHT-STATION AT SOLOMON'S LUMP.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of February 21, 1872, *relative to a light-station at Solomon's Lump, in Kedge's Straits, between Tangier Sound and Chesapeake Bay.*

APRIL 24, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT, *April* 20, 1872.

SIR: I have the honor, in reply to House resolution dated the 21st February last, calling for a report as to the necessity and expediency of establishing a light to mark the shoal known as "Solomon's Lump," in Kedge's Straits, between Tangier Sound and Chesapeake Bay, to transmit the accompanying report of the Light-House Board, from which it appears that the board recommend the establishment of a screw-pile light-house on Solomon's Lump, Kedge's Straits, at a cost of $15,000, and the discontinuance, in case that were done, of the light now kept on Fog Point.

I am, very respectfully,

GEO. S. BOUTWELL, *Secretary.*

Hon. J. G. BLAINE,
Speaker House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 20, 1872.

SIR: I have the honor to reply to your letter of February 24th, inclosing the following resolution of the House of Representatives:

Resolved, That the Secretary of the Treasury be directed to report to this House upon the necessity and expediency of establishing a light to mark the shoal known as Solomon's Lump, in Kedge's Straits, between Tangier Sound and Chesapeake Bay.

There is a shoal that extends out a considerable distance from this point, in a northerly direction, and is a source of danger at all times to vessels navigating Kedge's Straits, but more especially at night. This is doubtless the shoal referred to in the resolution of the House of Rep-

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resentatives. Near the extreme point of this shoal is the regular channel through Kedge's Straits. The shoal itself has not more than about five feet water on it to a point near the red buoy, which marks its extreme northerly end. At night this buoy cannot be seen a sufficient distance to be of any use, and in day-time serves but poorly to mark the end of the shoal.

The only light in this vicinity is that on Fog Point, about 1¼ miles in a W. S. W. direction; but, on account of its distance and location, it affords no security to vessels from going ashore on the reef of Solomon's Lump. This light was established in 1827, on the nearest mainland, before the introduction of the screw-pile system of light-houses on reefs, and though it has served to mark the entrance to Kedge's Straits for a long time, it is of little value as compared with other positions that could have been selected for a screw-pile structure, which would not only have marked the entrance to the straits, but would have been a guide-mark all the way through.

A light established on the shoal off Solomon's Lump, near its extreme point, and in five feet water, would accomplish both these objects, and render navigation through Kedge's Straits safe at all times. As the sailing-course in either direction would be a straight line, passing just north of the light-house, it would, therefore, be a desirable aid to navigation. The light at Fog Point would be no longer of use, if a light should be placed on Solomon's Lump, and it could be discontinued. In case this were done, it would, therefore, not increase the number of lights nor add to the annual cost of maintenance of the Light-House Establishment.

I have to report, then, that the change would be an advantage to navigation, and that the cost of a screw-pile light-house on Solomon's Lump, Kedge's Straits, between Tangier Sound and Chesapeake Bay, in lieu of the old light-house at Fog Point, would be $15,000.

Very respectfully,

JOSEPH HENRY, *Chairman.*

Hon. GEORGE S. BOUTWELL,
Secretary of the Treasury.

The resolution referred to is herewith returned.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 272, pt. 2.

LIGHT-HOUSE ON SOLOMON'S LUMP, KEDGES STRAITS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

RELATIVE TO

A light-house on Solomon's Lump, Kedges Straits, between Tangier Sound and Chesapeake Bay.

APRIL 30, 1872.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
Washington, D. C., April 27, 1872.

SIR: I inclose herewith a communication from Professor Joseph Henry, chairman of the Light-House Board, dated the 25th instant, suggesting, if an appropriation is made for a light on "Solomon's Lump," in Kedges Straits, Chesapeake Bay, that it should have the title, "For a light-house to guide through Kedges Straits, between Tangier Sound and Chesapeake Bay;" and that the title should not confine the appropriation to "Solomon's Lump."

I have the honor to request that this communication may be considered in connection with a previous one from same source, recommending the erection of the light-house referred to, forwarded by the Department to the honorable Speaker of the House on the 20th instant.

I am, very respectfully,

WM. A. RICHARDSON,
Acting Secretary.

Hon. J. G. BLAINE,
Speaker of House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 25, 1872.

SIR: Referring to my letter of the 20th instant, relative to the proposed light-house on Solomon's Lump, in Kedges Straits, between Tangier Sound and Chesapeake Bay, I have further to add that, from information received since that date, it is suggested that if an appropriation

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for the light is made, it should have the title, "For a light-house to guide through Kedges Straits, between Tangier Sound and Chesapeake Bay," and that the title should not confine the appropriation to Solomon's Lump; and I have to request that this letter may follow my letter of the 20th in regard to the same subject.

Very respectfully,

JOSEPH HENRY,
Chairman.

Hon. GEORGE S. BOUTWELL,
Secretary of the Treasury.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 273.

PENITENTIARIES IN TERRITORIES.

LETTER

FROM

THE ATTORNEY GENERAL,

IN ANSWER TO

A resolution of the House of April 19, 1872, *showing the cost of equipping and maintaining penitentiaries in the Territories of Colorado, Montana, and Idaho.*

APRIL 24, 1872.—Referred to the Committee on the Territories and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, April 22, 1872.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives of the date of April 19, 1872, in the following words, viz:

"*Resolved*, That the Attorney General is directed to furnish to this House, at the earliest practicable time, a statement showing the cost of equipping and maintaining the penitentiaries in the Territories of Colorado, Montana, and Idaho, from the time the marshals of said Territories took charge of said penitentiaries up to this date; also the number of persons confined therein convicted of offenses against the laws of the United States and of said Territories; also what contracts have been made with said Territories for keeping territorial convicts, and the sums of money paid by said several Territories for keeping territorial prisoners."

In answer to the above resolution, I have the honor to inclose the accompanying statement, which embraces the desired information.

Very respectfully,

GEO. H. WILLIAMS,
Attorney General.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

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A statement showing the cost of equipping and maintaining the penitentiaries in the Territories of Colorado, Montana, and Idaho, from the time the marshals of said Territories took charge of them up to this date; also the number of persons confined therein convicted of offenses against the laws of the United States and of said Territories; also what contracts have been made with said Territories for keeping their convicts, and the sums of money paid by each Territory for keeping its prisoners.

COLORADO PENITENTIARY.—Marshal took charge of, March 31, 1871.

Cost of equipment, $2,094; cost of maintaining to January, 1872, $7,162.40. Contract made, June 1, 1871, with the Territory for keeping its prisoners one year, at $7 per week for each prisoner.

Payments by the Territory, $2,958; prisoners confined, territorial: 1871—July, 13; August, 14; September, 14; October, 16; November, 23; December, 21; United States, none.

Accounts for January, February, and March, 1872, amounting to $4,429.08, have been received, but have not been acted upon, awaiting explanations from the marshal.

MONTANA PENITENTIARY.—Marshal took charge of, April 20, 1871.

Cost of equipment, $1,714.27; cost of maintaining to March, 1872, $9,269.92. Contract made June 7, 1871, with the Territory for keeping its prisoners for one year, at $7 per week for each prisoner.

Payments by the Territory, $3,778; prisoners confined, territorial: 1871—July, 15; August, 14; September, 15; October, 16; November, 19; December, 19. 1872—January, 18; February, 17. United States prisoners: 1871—July, 1; and one each month since.

March accounts have been received, amounting to $851.76, but have not been acted upon, awaiting explanation from the marshal.

IDAHO PENITENTIARY.—Marshal took charge of, May 13, 1871.

Cost of equipment, $1,400; cost of maintaining to March, 1872, $3,154.97. Contract made, not yet approved, for keeping territorial prisoners, at $7 per week for each prisoner.

Payments by the Territory;* prisoners confined, territorial: none received before March, when 11 were received. United States prisoners. 1871—July 1; August, none; September, none; October, 2; November, 3; December, 3. 1872—January, 4; February, 4.

Accounts for March have been received, in excess of the equipment authorized, amounting to $374.40, but have not been acted upon, awaiting explanation from the marshal.

On the 28th ultimo, the marshal of Idaho Territory was notified that the contract for keeping the territorial prisoners would only be approved "upon the express condition that the United States are to incur no additional expense in keeping these prisoners;" that whatever additional expense might "be incurred by taking charge of the territorial prisoners must be defrayed out of the amount received from the Territory for keeping them."

* In the accounts for March, not yet acted upon, there is credited to the Territory, for keeping 11 prisoners 11 days, $121.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 274.

NEW ORLEANS WHARF PROPERTY.

LETTER

FROM

THE SECRETARY OF WAR,

IN COMPLIANCE WITH

The request of the Committee on Military Affairs, relative to the New Orleans wharf property.

APRIL 25, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT, *April* 24, 1872.

The Secretary of War has the honor to submit to the House of Representatives, for the information of the Committee on Military Affairs, by whom information was requested as to the character and value of the wharf property proposed to be relinquished to the city of New Orleans by a bill now pending before it, copies of certain papers which communicate all the information on the subject in the possession of this Department.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, August 23, 1865.

SIR: I am instructed by the major general commanding to notify you that the levee and wharf space, hereafter described, has been selected and reserved for military purposes, and will not be included in any arrangements that may be made by the city authorities for leasing the levees and wharves:

1. The levee and wharf space between New and Jackson streets.
2. Three hundred feet front, from custom-house office landing to Canal street ferry landing; 120 feet deep from bank of the river, and situated between Crossman and Canal streets.
3. Between First and Fourth streets.
4. For about four weeks the use of posts 26, 27, and 28 will be required.
5. So long as the Saint Joseph Street Railroad is run by the United States, the levees and wharves between Julia and Lafayette streets, and

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the space occupied by the railway and depot along the entire levee and covered by the railway.

The same rule will apply to any wharf or levee space that is occupied by the Navy or Treasury Departments.

The major general has learned that the city authorities contemplate the alienation of this property for a long term of years, and he thinks it proper to suggest, for your consideration, the fact that the title to all this property is in the United States, as captured.

The authorities of the Government have conceded to the city the occupation, use, and profits of so much of it as is not required for public purposes, but the title, by capture, has not yet, so far as he has been advised, been relinquished by the Exective Departments of the General Government, and, until that is done, any leases or other disposition of this property should be for a short period.

I am further instructed to say that the commanding general has learned, only by accident, of the action contemplated by the city authorities, and that he desires that any future action that may be contemplated by the city authorities, in which the interests of the United States are directly or indirectly involved, be seasonably reported for action here or be submitted to the proper authorities at Washington.

Very respectfully, your obedient servant,

GEORGE L. ANDREWS,
Brigadier General, Chief of Staff.

Hon. HUGH KENNEDY,
Mayor of New Orleans, New Orleans, Louisiana.

A true copy:

DE WITT CLINTON,
Brevet Lieutenant Colonel, Judge Advocate.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, September 4, 1865.

SIR: Your communication of the 24th ultimo has been considered, in connection with the report of the chief quartermaster of the department, subject to this conference with the city surveyor. As the result of this examination I will recommend to the War Department the appointment of a joint commission, for the purpose of selecting the levee and wharf space required by the War, Navy, and Treasury Departments, to be held as permanent reservations. The selection to be made with reference to the wants of these Departments in a period of peace, and with due regard to the commercial interests of the city of New Orleans; and will recommend that the rights and interests of the Government to the remainder of the levee and wharf space held by the city of New Orleans at the time of capture by the forces of the United States be relinquished to the city, subject to the conditions that no harbor, wharf-light, or hospital dues shall be charged against any vessel belonging to the Government of the United States.

I have believed that the formal surrender of the rights acquired by the United States during and in consequence of the rebellion would not be formally relinquished until the State or States in which they were acquired were restored to the Union; but, in view of the suggestions made by you of the importance of the projected work to the com-

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mercial and financial interests of the city, I will ask that the action recommended be taken at the earliest practicable moment.

In the mean time the instructions of the 24th ultimo, with relation to the reservations for military purposes, will stand, as modified by the chief quartermaster and city surveyor.

The suggestions in my communication of the 24th ultimo, with regard to the period of the contemplated leases, were made in the interests of the city. I did not and do not think it wise or prudent for the present city government to commit the city to a course of action that may result in useless and costly litigation, while I do not doubt that the city of New Orleans will ultimately be fully reinstated.

That action has not yet been taken, and the time and manner are more or less remote and contingent, and, until that is done, the want of power in the city government opens the road for litigation, and that litigation will determine nothing, so far as the city is concerned, except to increase the tax levy.

You will permit me to add that the Government of the United States is not responsible for the bankrupt condition of the city finances, nor are its officers and agents amenable to the reproach which you make against them.

I cannot answer for officers of other departments than that in which I am serving, but I believe that the history of New Orleans, since its occupation, will show that they have never been slow to concede to the city whatever they could legally concede and to render any assistance that it was in its power to render; and I know that nearly every military commander, since the occupation, has made himself personally responsible to the Treasury by diverting large sums of money from their original destination and applying them to the wants of the city, its charities, and its poor.

The subject referred to in the last paragraph of your letter was referred to me some time since, and so much of your letter to his Excellency the President as related to the New Orleans and Jackson and New Orleans and Opelousas Railroads, was reported upon some time since, and that which relates to the wharves will be so soon as the indebtedness of the city to the different departments of the Army can be ascertained.

I am, sir, very respectfully, your obedient servant,

E. R. S. CANBY,
Major General Commanding.

His honor the MAYOR OF NEW ORLEANS.

A true copy:

DE WITT CLINTON,
Brevet Lieutenant Colonel, Judge Advocate.

Indorsement on communication of J. M. Courtenay, agent of New York Mail Steamship Company, asking the approval of Major General E. R. S. Canby on subject of building a wharf for said company.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, September 15, 1865.

Respectfully returned. The military authorities will not interfere with the wharves, except so far as to prevent the Government from be-

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ing ousted from the occupation of such wharves and levees as are required for public purposes. The mayor of the city has been fully advised upon these subjects and to the points to which that interference will be limited. The locality covered by the lease herein referred to is not one of the points. I do not think, however, that it will be wise, either for the city or for the lessees under the city, to embark in enterprises involving large expenditures until after the corporation has been fully reinstated in its original rights. This can only be done by executive authority, and, I presume, will be done within a short period.

E. R. S. CANBY,
Major General Commanding.

Official copy:

DE WITT CLINTON,
Brevet Lieutenant Colonel and Judge Advocate.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, October 31, 1865.

COLONEL: I have the honor, by the direction of the major general commanding, to say that he has decided to retain possession of the wharves at posts 26, 27, and 28, until the conditions of the agreement with Captain Norton, assistant quartermaster, are complied with on the part of the city, and that he has notified the bureau of streets and landings accordingly.

I am further directed to say that you will instruct your subordinates not to make any arrangement with the city authorities without first submitting them for the general's approval.

Very respectfully, your obedient servant,

ALFRED FREDBERG,
Assistant Adjutant General.

Colonel S. B. HOLABIRD,
Chief Quartermaster, Department Louisiana,
New Orleans, Louisiana.

[SPECIAL ORDERS No. 110, PARAGRAPH 5.]

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, November 9, 1865.

Under the authority of instructions from the War Department, Colonel S. B. Holabird, chief quartermaster, Department of Louisiana, is appointed a member of the joint commission for selecting such portions of the wharf and levee space in the port of New Orleans as may be required for the purposes of the War, Navy, and Treasury Departments.

The commission will consist of Acting Rear-Admiral H. K. Thatcher, United States Navy, appointed by the Secretary of the Navy; Hon. William P. Kellogg, collector of the port of New Orleans, appointed by the Secretary of the Treasury; Colonel S. B. Holabird, additional aid-de-camp United States Army, and chief quartermaster Department of Louisiana. First Lieutenant H. W. Wheeler, Eighty-first United States Colored Infantry, is appointed recorder of the commission.

The acting mayor of New Orleans is requested to invite the city

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surveyor to attend the sessions of the commission, in order to give such information in the interests of the city as may be desired.

The commission will determine its own hours and place of sitting, and the Quartermaster's Department will furnish a room for the office purposes of the commission.

By order of Major General E. R. S. Canby.

WICKAM HOFFMAN,
Assistant Adjutant General.

Official:

NATHANIEL BURBANK,
First Lieutenant and Acting Assistant Adjutant General.

Proceedings of a joint commission composed of an officer of the War, Navy, and Treasury Department, for the purpose of selecting and designating the wharf and levee space in the city of New Orleans that will be required for the use of their Departments.

[Extract.]

NEW ORLEANS, LOUISIANA, *November* 22, 1865.

The commission met pursuant to adjournment.

Present, Colonel S. B. Holabird, aid-de-camp, United States Army; Commander Edward Simpson, United States Navy; First Lieutenant Henry W. Wheeler, Eighty-first United States Colored Infantry, recorder. Hon. W. P. Kellogg, commissioner appointed to represent the Treasury Department, was unable, from sickness, to attend.

A communication was addressed to George R. Bayley, esq., city surveyor, requesting his attendance before the commission.

A copy of the communication sent to Mr. Bayley, together with his reply, is appended to this record, and marked A.

The non-attendance of the city surveyor rendering it impossible to state accurately the extent and locality of the levee space now used by the Government, the commission submit the following as a general description. The levee and wharf spaces now occupied for Army purposes are as follows:

1. The levee and wharf at foot of Saint Andrew, Saint Mary, and Celeste streets.

2. One hundred and fifty feet, commencing fifty feet from custom-house landing.

3. The levee and wharves between Julia and Lafayette streets, and the space occupied by the railway and depot along the entire levee.

4. Posts 39 to 43, and post 58.

5. Posts 26, 27, 28, 45, 46, and 60.

It is recommended that the wharves and landings now occupied for Army purposes be relinquished to the city authorities during the time of peace so soon as they can be vacated, upon condition that no interest of the Government shall be prejudiced thereby, and that, in case of foreign war or civil disturbance rendering these wharves and landings again necessary for military purposes, their occupation and use shall be resumed, and that all leases for a term of years and all contracts concerning the wharves and landings shall be made subject to the above conditions.

The space occupied by the Navy consists of about five hundred feet

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front, at foot of Erate street, in front of the Reading Press, embracing three wharves, two of which are comparatively new and were reconstructed at the expense of the Navy Department.

For the use of the Navy there will be required the levee space and two of the wharves now occupied by that branch of the service, until the ammunition, coal, and other stores now in the Reading Press and which may arrive from the Mississippi squadron shall be removed: after which time, it is recommended that the wharves and levee spaces now occupied by the Navy be relinquished to the city of New Orleans, with this proviso, viz: That the Navy Department shall retain the right, at any time of foreign war or civil commotion, to resume the possession of the space now occupied, the Navy Department being the judge of the exigency requiring the repossession; and, further, that the right of the Navy Department to so reclaim such wharves and levee spaces shall be distinctly set forth in all leases of this property.

The space occupied by the Treasury Department comprising one wharf at foot of Esplanade street in the neighborhood of the mint.

It is required to retain the wharf and levee space for the use of the Department.

The commission adjourned to meet at 10 o'clock a. m. to-morrow.

NEW ORLEANS, LOUISIANA,
November 23, 1865.

The commission met pursuant to adjournment.

Present, Hon. W. P. Kellogg; Colonel S. B. Holabird, aid-de-camp, United States Army; Commander Edward Simpson, United States Navy; First Lieutentant Henry W. Wheeler, Eighty-first United States Colored Infantry, recorder.

The recommendations made by the several members of the commission will result in relinquishing in time of peace to the city of New Orleans all the wharf property and levee space included in the city, with the exception of one wharf now occupied by the Treasury Department and the Government property in front of the mint; but the commission consider it expedient that a space should be permanently held for the General Government.

It therefore recommends that a levee space be permanently retained by the Army, Navy, and Treasury Departments conjointly, consisting of 1,000 feet front, commencing at the third district ferry, foot of Elysian Fields street, and extending in a direction up the river, such space to be secured free of wharfage or other city dues.

This space will include a portion of ground in front of the mint already in possession of the General Government, as well as the wharf now in use of the Treasury Department, and considered necessary for the use of that Department.

It is recommended that this reserved space be divided between the several Departments, each erecting such wharves and sheds as may be deemed necessary.

The commission, in selecting this site for permanent occupation, is actuated by a desire to avoid, as much as possible, interfering with the commerce of the city.

At this point there is but one wharf, now occupied by the Treasury Department, and but little business is transacted in the neighborhood.

The idea of connection of three branches of the Government at the

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mint commends itself as an advantage in providing for mutual support in case of commotion.

There being no further business before it, the commission adjourned *sine die*.

W. P. KELLOGG,
Collector of the Port of New Orleans.
S. B. HOLABIRD,
Colonel and Aid-de-Camp, United States Army.
E. SIMPSON,
Commander, United States Navy.
HENRY W. WHEELER,
First Lieut. Eighty-first U. S. C. Inf., Recorder of the Commission.

A.

OFFICE JOINT COMMISSION ON WHARVES AND LEVEES,
New Orleans, Louisiana, November 22, 1870.

SIR: Your presence is requested by the joint commission on wharves and levees for the purpose of giving information on points necessary to its proceedings. You will please provide accurate plans of the wharves and levees that may be now in your possession.

Very respectfully,

E. SIMPSON,
Commander, United States Navy, for the Commission.

Mr. BAYLEY,
City Surveyor, New Orleans, Louisiana.

SURVEYOR'S OFFICE,
CITY OF NEW ORLEANS, LOUISIANA,
November 22, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of this date requesting my presence at a meeting of the joint commission on wharves and levees, and to provide accurate plans of the wharves and levees that may be now in my possession.

His honor the mayor has ordered me to decline the attendance requested, which I beg respectfully to state; but the plans in my office are subject to your examination at any time.

I am, very respectfully, your obedient servant,

G. W. R. BAYLEY,
City Surveyor.

E. SIMPSON, Esq., *Commander, U. S. N.,*
On Joint Commission on Wharves and Levees.

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Indorsements on communication from John R. Conway, mayor of the city of New Orleans, dated September 20, 1869, stating that during the military occupation of the city the United States took possession of and inclosed a portion of the levee front in the first district, New Orleans; that the United States still retains possession of the property, and the inclosure remains and is an obstruction to commerce and it should be removed by the law which provides that the levee must be kept free and unobstructed for commercial uses. Requests early attention to the matter.

OFFICE CHIEF QUARTERMASTER,
DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, September 20, 1869.

Respectfully referred to Brevet Lieutenant Colonel E. J. Strang, assistant quartermaster, for a full report of all circumstances attending the seizure and holding of this wharf. This paper to be returned.

FRED. MYERS,
Brevet Brigadier General and Chief Quartermaster,
Department of Louisiana.

OFFICE DEPOT QUARTERMASTER,
New Orleans, Louisiana, September 27, 1869.

Respectfully returned to Brevet Brigadier General Fred. Myers, chief quartermaster, Department of Louisiana.

There are no records in this office relative to the matter within complained of.

From information derived of reliable sources the following statement is believed to be correct: Previous to the evacuation of this city by the rebel forces, in 1862, most of the wharves along the levee were destroyed. Subsequently, the military authorities, by direction of General Butler, expended some $500,000 in repairing the levees and wharves and restoring them to their former condition. During the same year a board of officers, in connection with the city authorities, set apart a portion of the levee for Government use. These proceedings are believed to be on file in the Department at Washington. Previous to the removal of the naval depot to Algiers the inclosure within referred to was occupied by the United States Navy. It cannot now be given up without great detriment to the service.

E. J. STRANG,
Brevet Lieutenant Colonel and Assistant Quartermaster, U. S. A.

OFFICE CHIEF QUARTERMASTER,
DEPARTMENT OF LOUISIANA,
New Orleans, September 28, 1869.

Respectfully forwarded, for the orders of the Quartermaster General, United States Army, as to whether the within-named wharf shall be given up on the notification of the mayor of the city. Attention is respectfully invited to the report hereon of Brevet Lieutenant Colonel E. J. Strang, assistant quartermaster.

FRED. MYERS,
Brevet Brigadier General and Chief Quartermaster,
Department of Louisiana.

QUARTERMASTER GENERAL'S OFFICE,
October 14, 1869.

Respectfully returned to Brevet Brigadier General Fred. Myers, chief

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quartermaster, New Orleans, with request that he will please make some recommendation as to the wharf herein referred to.

By order of the Quartermaster General.

J. J. DANA,
Brevet Brigadier General and Quartermaster.

OFFICE CHIEF QUARTERMASTER,
DEPARTMENT OF LOUISIANA,
New Orleans, October 20, 1869.

Respectfully returned to the Quartermaster General United States Army. In view of the fact that the wharves in this city were rebuilt during the war, at the expense of the United States Government, and of the great usefulness of a wharf to the Quartermaster's Department, it is recommended that this wharf be retained by the Government, and the right to hold it contested in the proper courts if necessary.

FRED. MYERS,
Brevet Brigadier General, Chief Quartermaster,
Department of Louisiana.



OFFICE CHIEF QUARTERMASTER,
DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, September 20, 1869.

SIR: Your communication of this date, relative to the wharf now used by the United States Government in the first district of this city, has been received. In reply, I have the honor to inform you that the matter will be referred to Washington, D. C., for the decision of the War Department.

Very respectfully, your obedient servant,

FRED. MYERS,
Deputy Quartermaster General,
Brevet Brigadier General, United States Army.

Hon. JOHN R. CONWAY,
Mayor of New Orleans, New Orleans, Louisiana.

DEPARTMENT OF IMPROVEMENTS,
New Orleans, December 7, 1870.

I am directed by the council to call upon you to remove the fence at the wharf where the Alliance line of steamers make their landing.

Trusting that the removal will cause you no inconvenience, I am, yours, truly,

J. R. WEST,
Administrator.

Colonel E. J. STRANG,
Assistant Quartermaster.

OFFICE DEPOT QUARTERMASTER,
New Orleans, Louisiana, December 7, 1870.

Respectfully referred to Lieutenant Colonel F. Myers, deputy quartermaster general United States Army, New Orleans, Louisiana, for his information and action.

E. J. STRANG,
Captain and Assistant Quartermaster,
Brevet Lieutenant Colonel, United States Army

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OFFICE DEPUTY QUARTERMASTER GENERAL, U. S. A.,
IN CHARGE OF DEPOT AT NEW ORLEANS,
New Orleans, Louisiana, December 8, 1870.

SIR: In reply to your communication of 7th instant, asking that the fence inclosing the Government wharf in this city be removed, I have the honor to state that I am without authority to remove the structure referred to, the Department at Washington having instructed me to retain possession of the wharf space until further orders.

I deem it proper to notify you that the wharf is retained by the United States, in accordance with an understanding with the corporate authorities of the city, the United States having made extensive repairs to the wharves of the city, for which no reimbursement has ever been made.

Regretting I cannot comply with your request, I am, sir, very respectfully, your obedient servant,

FRED. MYERS,
Deputy Quartermaster General, U. S. A.

Hon. J. R. WEST,
Administrator, Department Improvements,
New Orleans, Louisiana.

DEPARTMENT OF IMPROVEMENTS,
New Orleans, December 12, 1870.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant.

As there is no record in this Department of any terms made by the city for the occupancy by the United States Government of the landing space in question, I would be obliged to you for such information on the subject as your Department is possessed of.

Yours, very truly,

J. R. WEST,
Administrator.

General FRED. MYERS,
Deputy Quartermaster General.

OFFICE DEPUTY QUARTERMASTER GENERAL, U. S. A.,
IN CHARGE OF DEPOT AT NEW ORLEANS,
New Orleans, Louisiana, December 27, 1780.

SIR: I have been informed that an officer of the police department has been placed in charge of the Government wharf-yard, foot of Calliope street, in this city.

As there is contained on the premises property for which this department is accountable, I have to request to be informed by what authority such trespass on the rights of the United States has been committed, and to demand the immediate withdrawal of this official from the premises.

Please give me an immediate reply, and oblige,

Very respectfully, your obedient servant,

FRED. MYERS,
Deputy Quartermaster General, U. S. A.,
In charge of Depot.

Mr. A. S. BADGER,
Superintendent Metropolitan Police,
New Orleans, Louisiana.

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[Indorsements.]

OFFICE SUPERINTENDENT METROPOLITAN POLICE,
New Orleans, December 27, 1870.

Respectfully referred to Captain William McCann, harbor precinct, who will at once return this document with indorsement, relative to the matter within referred to.

By order.

A. S. BADGER,
Superintendent Metropolitan Police.

P. H. BOYLE,
Secretary.

METROPOLITAN POLICE,
OFFICE CAPTAIN OF HARBOR PRECINCT,
New Orleans, December 27, 1870.

Respectfully returned with following information: That no officer of this precinct has been placed in charge of the Government yard, head of Calliope street.

If an officer of another precinct has been placed in charge of said yard, this office has not been apprised to that effect.

W. MCCANN,
Captain Harbor Precinct.

OFFICE SUPERINTENDENT METROPOLITAN POLICE,
New Orleans, December 28, 1870.

Respectfully returned to General Fred. Myers, deputy quartermaster general, United States Army, in charge of depot, with the information that no officer of this department has been placed in charge of the Government yard, head of Calliope street.

A. S. BADGER,
Superintendent Metropolitan Police.

[Telegram.]

NEW ORLEANS, *December* 27, 1870.

General M. C. MEIGS,
Quartermaster General, U. S. A., Washington, D. C.:

The city authorities have placed a police officer in charge of the yard at the Government depot here. I have called on the commanding officer at Jackson barracks for a detachment of soldiers to protect the fence and property. Please give instructions in the matter.

FRED. MYERS,
Deputy Quartermaster General, U. S. A.

[Telegram.]

WASHINGTON, D. C., *December* 28, 1870.

Deputy Quartermaster General MYERS:

Consult district attorney; obey the laws; report in detail to General Halleck.

M. C. MEIGS,
Quartermaster.

NEW ORLEANS, LOUISIANA, *January* 27, 1871.

COLONEL: I have the honor to request that you furnish me with any information in your possession relative to the occupation of the wharf

space at the head of Calliope street, in this city, by the United States. There is but little of record remaining in this office, beyond the proceedings of a board, composed of the Army, Navy, and Treasury Departments, of which you were a member.

It is supposed the property was taken possession of as a reimbursement, in part, for the repairs made to the wharves of the city by the United States, after the evacuation of the city by the rebels.

The city authorities are now making efforts to obtain possession, and papers bearing on the case will, doubtless, be called for. Captain G. A. Norton, whose residence is not known to me, may be able to give important information on the subject, as he was, at one time, while on duty in this city, in charge of water transportation, in consultation with municipal authorities here relative to wharf reservations, and made some sort of agreement in the matter. Should you know his whereabouts, please communicate with him.

Very respectfully, your obedient servant,

FRED. MYERS,
Deputy Quartermaster General, U. S. A., in charge of Depot.

Lieutenant Colonel S. B. HOLABIRD,
Chief Quartermaster Department of the Dakota, St. Paul, Minn.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oregon, February 20, 1871.

SIR: Colonel Holabird has referred to General Canby your letter of January 27 ultimo, regarding the wharf space at the head of Calliope street, and I am instructed to advise you that the same has been forwarded to the Adjutant General of the Army, where the records are now deposited.

Very respectfully, sir, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant, Second Artillery, A. A. A. G.

Colonel FRED. MYERS,
Deputy Quartermaster General,
Depot Quartermaster, New Orleans, Louisiana.

OFFICE DEPUTY QUARTERMASTER GENERAL,
IN CHARGE OF DEPOT AT NEW ORLEANS,
New Orleans, Louisiana, March 15, 1871.

GENERAL: I have the honor to forward herewith copies of all papers in my possession relative to the occupation by the United States of certain wharf space in this city.

Of the various sections of wharf space selected in 1865 by the joint commission, composed of officers of the Army, Navy, and Treasury Department, the control of all has been relinquished by the United States, and the city authorities reinstated in possession, except the space at the head of Calliope street, which is still held by the United States and occupied by the Quartermaster's Department as a Government yard; and, from its central location and advantages, it will be impossible to give up the property without serious detriment to the interests of the Department.

It is thought that the records of the War Department may contain important information relative to expenditures made by the United States for repairs to the wharves partially destroyed by the rebels on their evacuation of this city; no record thereof is on file here.

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As the city is still endeavoring to obtain possession of the property, I have to request early instructions in the case.

Very respectfully, your obedient servant,

FRED. MYERS,
Deputy Quartermaster General, U. S. A., in charge of Depot.

Brigadier General M. C. MEIGS,
Quartermaster General, U. S. A., Washington, D. C.
(Through headquarters Military Division of South.)

Indorsements.

HEADQUARTERS MILITARY DIVISION SOUTH,
CHIEF QUARTERMASTER'S OFFICE,
Louisville, Kentucky, March 29, 1871.

Respectfully returned to the division commander. I do no tthink there is any particular necessity for retaining this wharf property at New Orleans, Louisiana, for the use of the Quartermaster's Department, at least not after the stores now at that depot are sent elsewhere. When this is done, I recommend that the depot be broken up. I think it would be advisable to hold the property until that time and then return it to the city in such sums as the authorities at Washington deem just to the interests of the United States.

J. C. McFERRAN,
Quartermaster General, U. S. A.,
Chief Quartermaster Military Division South.

HEADQUARTERS MILITARY DIVISION OF THE SOUTH,
Louisville, Kentucky, March 30, 1871.

Transmitted by order of Major General Halleck.

ROBT. N. SCOTT,
Captain Third Artillery, Aid-de-camp.

QUARTERMASTER GENERAL'S OFFICE, *April* 5, 1871.

Respectfully submitted to the honorable Secretary of War. The letters of General Canby indicate that the United States held the wharf property by right of capture; that the United States expended much money in improving the wharfage at New Orleans, all of which that could be destroyed by fire was burned by the rebels before the United States took possession; that this title has been maintained since and is now disputed.

The property is still held by the United States; is valuable; is useful to the United States and should not be given up, if the law or superior authority does not decide against the right to retain it.

M. C. MEIGS,
Quartermaster General, Brevet Major General, U. S. A.

Concurred in by the Secretary of War.

ED. SCRIVER,
Inspector General.

APRIL 12, 1871.

QUARTERMASTER GENERAL'S OFFICE, *April* 19, 1872.

True copies.

M. I. LUDINGTON,
Quartermaster, U. S. A.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 275.

OATH OF OFFICE OF OFFICERS OF CUSTOMS.

LETTER

FROM THE

ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A bill to facilitate the taking of the oath of office by subordinate officers of the customs.

APRIL 25, 1872.—Referred to the Committee of Ways and Means and ordered to be printed.

TREASURY DEPARTMENT, *April* 24, 1872.

SIR: The Commissioner of Customs has called my attention to the difficulty under which his office labors in procuring from certain collection districts oaths of office properly taken in the case of subordinate officers appointed for out-posts at a distance from the ports of entry, especially in Florida and on the Gulf coast, where the means of communication are irregular.

To meet the difficulty alluded to a bill has been prepared, and is herewith submitted, providing that oaths of office in such cases may be taken before any person authorized by law to administer oaths generally; and I would respectfully urge upon Congress the propriety of passing the same.

I am, very respectfully,

WM. A. RICHARDSON,
Acting Secretary of the Treasury.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

A BILL to facilitate the taking of the oath of office by subordinate officers of the customs.

Be it enacted, &c., That whenever it shall be impracticable for any person appointed as a subordinate officer of the customs to take the requisite oath of office before the collector of his district, such oath may be taken and subscribed, in duplicate, before any person authorized by law to administer oaths generally, and with the like force and effect as if taken before such collector: *Provided*, That such duplicates, duly and respectively certified under the hand and seal of the person by whom the oath shall have been administered, shall be transmitted without delay, one of them to such collector and the other to the Commissioner of Customs.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 276.

APPROPRIATIONS FOR QUAPAW INDIAN LANDS.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

Appropriations for land ceded to the United States by the Quapaw Indians.

APRIL 25, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 25, 1872.

SIR: I have the honor to transmit herewith the accompanying copy of the report from the Commissioner of Indian Affairs, dated the 23d instant, inclosing the following estimates (copies herewith) of appropriations required to make good the estimated value of lands in and near Kansas ceded by the Quapaw Indians to the United States, viz:

1st. Estimate of appropriation required to make good the Quapaw tribe of Indians the estimated value, at the rate of $1.25 per acre, of certain lands in the State of Kansas ceded by them to the United States, $4,500.40.

2d. Estimate of appropriation required to make good to the Quapaw tribe of Indians the estimated value, at $1.15 per acre, of certain lands lying south of Kansas, ceded by them to the United States, $21,300.87.

The amount of the second estimate, viz, $21,300.87, I would respectfully suggest should be transferred from the sum now to the credit of the Peorias, Kaskaskias, &c., in the United States Treasury, under the act of July 12, 1862, to the credit of the Quapaws, and respectfully recommend that such authority be given to the Secretary of the Treasury as will enable him to make the transfer.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives, United States.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 23, 1872.

SIR: By the terms of the fourth article of the treaty with the Senecas, Mixed Senecas and Shawnees, Quapaws, Confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Ottawas of Blanchard's Fork and Roche de Bœuf, and certain Wyandotts, concluded February 23, 1867, (Stats. p. 513,) the Quapaws ceded to the United States a tract of land in the State of Kansas, on the north line of their reservation, containing about twelve sections in all, excepting therefrom one-half section, to be patented to Samuel G. Vallier, the land thus ceded to be paid for by the United States, at the rate of $1.25 per acre, whenever the area of the same should be ascertained, and to be open to entry and settlement as other public lands belonging to the Government.

The area of this tract, exclusive of the half section excepted, has been ascertained by actual survey to be 7,600.32 acres, as will appear from the inclosed copy of a letter from the Commissioner of the General Land Office, dated the 18th instant.

The Quapaws also ceded to the United States, by the same article of the treaty, a tract of land, therein described, lying south of Kansas, and within their present reserve, for which the United States agreed to pay $1.15 per acre when the area of the same should be ascertained. This tract has been surveyed under the direction of this office, and found to contain 18,522.50 acres.

Of the amount due these Indians for the lands ceded as above, the sum of $5,000 has been paid to assist them in re-establishing themselves at their new homes, in accordance with the terms of the ninth article of the same treaty, by which it is also provided that the balance of said amount shall be invested as a permanent fund, payable per capita, semi-annually.

With the above data as a basis for computation, it will be found that the United States are indebted to the Quapaws as follows:

For 7,600.32 acres in the State of Kansas, at $1.25 per acre.....	$9,500 40	
Less amount paid in advance.....	5,000 00	
		$4,500 40
For 18,522.50 acres lying south of Kansas, at $1.15 per acre		21,300 87
Making a total of		25,801 27

By the twenty-second article of said treaty (15 Stats., p. 519,) the land purchased from the Quapaws, and lying south of Kansas, is granted and sold to the Confederated Peorias, Kaskaskias, Weas, and Piankeshaws to be paid for by them at the rate paid for the same by the Government out of the proceeds of the nine and one-half sections of land sold for said confederated tribes to actual settlers, in accordance with the terms of the twenty-first article of said treaty, adding thereto whatever may be necessary out of other moneys in the hands of the United States belonging to said Indians.

The proceeds of the nine and one-half sections, above referred to, were invested in United States bonds. These bonds have since been sold, and the proceeds from the sale absorbed in paying to certain individuals of the tribe who, under the provisions of the twenty-eighth article of the treaty, became citizens of the United States, the proportionate share of the tribal funds to which they were entitled.

The amount due from the Peorias, &c., for lands ceded by the Quapaws, amounting to $21,300.87, must therefore be paid out of other moneys in the hands of the United States belonging to the said Peorias, &c.

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Of the sum of $169,686.75 appropriated for these Indians by the act of July 12, 1862, (12 Stat., pp. 539, 540,) there is now a balance in their favor of $85,884.14 held in trust by the United States.

Besides the above the United States hold in trust for the Peorias, &c., various bonds of the States of Florida, Louisiana, and North and South Carolina, to a large nominal amount. These bonds are depreciated in value and below par, but interest on the same at the rate of six per cent. per annum is from year to year appropriated by Congress.

With the above statement of facts I respectfully submit for your consideration whether the amount due the Quapaws in this case shall be paid from the above balance of funds held in trust for the Peorias, &c., or by transfer to the Quapaws of an equivalent in State stocks belonging to the former tribe.

Should the latter course not be deemed advisable, I respectfully request that Congress be asked to appropriate from any funds in the Treasury of the United States belonging to the confederated bands of Peorias, Kaskaskias, Weas, and Piankeshaws, the sum of $21,300.87, to make good to the Quapaws the value of the land south of the boundary-line of the State of Kansas, ceded by them under the stipulations of the fourth article of the treaty of February 23, 1867.

I have the honor herewith to inclose estimates, in duplicate, for the above amount of $21,300.87, and also for the sum of $4,500.40, this being the balance due the Quapaws on account of lands in the State of Kansas ceded to the United States by the same article of the treaty.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Estimate of appropriation required to make good to the Quapaw tribe of Indians the estimated value, at the rate of $1.25 per acre, of certain lands in the State of Kansas, ceded by them to the United States.

For this amount, being the balance on account due the Quapaw tribe of Indians for a certain tract of land in the State of Kansas, containing 7,600.32 acres, ceded by said tribe to the United States in accordance with the terms of the fourth article of the treaty with Senecas, Mixed Senecas and Shawnees, Quapaws, Confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Ottawas of Blachard's Fork and Roche de Bœuf, and certain Wyandotts, concluded February 23, 1867, (15 Stat., p. 513)..... $4,500 40

Estimate of appropriation required to make good to the Quapaw tribe of Indians the estimated value, at $1.15 per acre, of certain land lying south of Kansas, ceded by them to the United States.

For this amount, to be taken from any funds in the Treasury of the United States belonging to the confederated bands of Peorias, Kaskaskias, Weas, and Piankeshaws, to make good to the Quapaw tribe of Indians the estimated value of 18,522.50 acres of land lying south of Kansas, ceded by them to the United States, under the terms of the fourth article of the treaty with the Senecas, Mixed Senecas and Shawnees, Quapaws, Confederated Peorias, Kaskaskias, Weas, Piankeshaws, Ottawas of Blanchard's Fork and Roche de Bœuf, and certain Wyandotts, concluded February 23, 1867, (15 Stat., p. 513,) which lands were, by the twenty-second article of said treaty, granted and sold to the confederated bands of Peorias, Kaskaskias, Weas, and Piankeshaws at the same rate as paid by the Government..... $21,300 87

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DEPARTMENT OF THE INTERIOR,
GENERAL LAND-OFFICE,
Washington, D. C., April 18, 1872.

SIR: In reply to your letter of the 12th instant, requesting information in regard to the area of the tract ceded by the Quapaws to the United States by the fourth article of the treaty with Senecas and Quapaws of February 23, 1867, I have to state that according to the actual survey of said tract the area thereof is 7,600.32 acres, exclusive of one-half section to be patented, under the treaty, to Samuel G. Vallier.

Very respectfully, your obedient servant,

WILLIS DRUMMOND,
Commissioner.

Hon. F. A. WALKER,
Commissioner of Indian Affairs.

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42D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 277.

CLAIMS OF THE STATE OF TEXAS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A report concerning the history and character of certain claims of the State of Texas.

APRIL 30, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT, *April* 30, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, in accordance with the request of its sub-Committee on Appropriations, a report concerning the history and character of certain claims of the State of Texas.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT,
Washington, D. C., April 27, 1872.

SIR: In compliance with verbal instructions received from you, I have carefully examined all the evidence found concerning the history and character of certain claims of the State of Texas against the United States, and as the result of that examination I have the honor to respectfully submit the following report:

The claims are for reimbursement of expenditures alleged to have been made for the payment and support of volunteers, or rangers, prior to the rebellion.

The troops, it is asserted, were temporarily employed at various dates, between November 1, 1854, and some time in September, 1860, for the purpose of suppressing Indian hostilities on the frontiers of Texas.

The evidence bearing upon this case is interspersed through many printed public documents, and, in addition to what is contained in them, it forms many pages of manuscript (copies annexed) heretofore unfolded in any public print.

The merits of the claims may be the better understood, at this late date, by bestowing a glance at the condition of affairs which may have rendered it necessary, from time to time, to employ Texan rangers, or volunteers, within that State.

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Turning to the President's Message of December 6, 1852, so much of it as relates to Indians in Texas reads:

Experience has shown, however, that whenever the two races are brought into contact, collisions will inevitably occur. To prevent these collisions the United States have generally set apart portions of their territory for the exclusive occupation of the Indian tribes. A difficulty occurs, however, in the application of this policy to Texas. By the terms of the compact by which that State was admitted into the Union, she retained the ownership of all the vacant lands within her limits. The government of that State, it is understood, has assigned no portion of her territory to the Indians; but, as fast as her settlements advance, lays it off into counties, and proceeds to survey and sell it.

This policy manifestly tends not only to alarm and irritate the Indians, but to compel them to resort to plunder for subsistence. It also deprives this Government of that influence and control over them without which no durable peace can ever exist between them and the whites. I trust, therefore, that a due regard for her own interests, apart from considerations of humanity and justice, will induce that State to assign a small portion of her vast domain for the provisional occupancy of the small remnants of tribes within her borders, subject, of course, to her ownership and eventual jurisdiction. If she should fail to do this, the fulfillment of our treaty stipulations with Mexico and our duty to the Indians themselves will, it is feared, become a subject of serious embarrassment to the Government. It is hoped however, that a timely and just provision by Texas may avert this evil. * *

(See House Executive Document No. 1, second session, Thirty-second Congress.)

Passing to a later date, January 30, 1855, it is found that the Commissioner of Indian Affairs remarked officially as follows:

Texas having retained all her lands and the exclusive jurisdiction over them, it was impossible for the United States to exercise any supervision over the trade and intercourse with her Indians, or the necessary control over the latter, to prevent difficulties between them and the citizens of the State. Under these circumstances it was not in the power of the Government to manage our Indian relations there in as efficient a manner as it might otherwise have done. It was, therefore, in a position not to be held responsible for any difficulties or depredations which may have arisen out of such a state of things, which was made known from year to year through the annual reports of this office, and the necessity urged of Texas setting apart a district of country for the location and residence of her Indians, and the cession of sufficient jurisdiction over it to enable the Government to manage them and the trade and intercourse of the whites with them in a more efficient and proper manner. It was not until last year that Texas consented to, and made provisions for, such an arrangement. * * * * * * * *

(See House Reports of Committees No. 151, second session, Thirty-second Congress.

By an act of Congress approved June 12, 1858, the Secretary of the Interior was directed "to accept and survey the Indian reservation designated by an act of the legislature of the State of Texas approved February 4, 1856, and to appoint an agent for said reservation."—(11th Stat. 11.)

Indian troubles in Texas seem to have commenced anew, or were continued, in 1852, as will be seen by reference to a letter (1)* from the Secretary of War to the governor of Texas, explaining responsibilities connected with them.

On account of various conflicts renewed between the people of the State and the Indians, in the year 1854, General Persifer F. Smith, the commanding the Department of Texas, was authorized or instructed "to call upon the governor for aid should the exigencies of the service require it in repelling Indian incursions;"(2) and he was instructed further: "In such event you will make requisition for such number of mounted men as you may, from time to time, deem necessary, who, while in service, will be supplied with ammunition, forage, and subsistence by the United States," (2.)

After the issue of said authority, the Secretary of War decided that

* Figures refer to numbers on papers annexed to this statement.

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it applied only to aid required "in repelling Indian incursions and to pursue and punish hostile Indians," (3 and 4.)

The various organizations of volunteers on account of which these claims accrued appear to have been employed, as it were, by classes, under certain peculiar circumstances, at different times; they therefore will be classified herein as facts are developed in connection with their services.

CLASS I.

In 1854 six companies of volunteers were called into service by the governor of Texas, and, as State troops, were organized as follows, (shown by muster-rolls filed in the Adjutant General's Office:)

Company.	Captain.	Aggregate force.	Enrolled.		Mustered in.	
			Where.	When.	Where.	When.
A	G. S. Boggess	87	Tyler	Oct. 16, 1854	Austin	Nov. 2, 1854
B	J. G. Walker	84	Nacogdoches	Oct. 16, 1854	Austin	Nov. 2, 1854
C	W. R. Henry	86	Goliad	Oct. 20, 1854	Austin	Nov. 2, 1854
D	William Fitzhugh	84	McKinney	Oct. 16, 1854	Austin	Nov. 2, 1854
E	C. E. Travis	80	Cameron	Oct. 18, 1854	Austin	Nov. 2, 1854
F	P. H. Rogers	78	Brenham	Oct. 18, 1854	Austin	Nov. 8, 1854

General Smith issued a call (4) on the 29th July, 1854, but before any troops were raised under it, (7) he (12) and the governor (13) were notified that it was not approved at the War Department, because the troops were called for *twelve* months' service. A modification of the authority then ensued; the general re-issued the call November 1, 1854, and the adjutant general of Texas forthwith proceded to make the musters into State service, as above noted.

Before the troops could properly be held subject to military orders from the General Government, however, it was necessary that they should first be formally received into (17) the service of the United States.

That they were so received, for three months' service, there can be no doubt. A tabular statement, prepared from muster-rolls filed in the Adjutant General's Office, exhibits these facts, viz:

Company.	Captain.	Aggregate force.	Enrolled and mustered into United States service.		Mustered out of United States service.	
			Where.	When.	Where.	When.
A	G. S. Boggess	87	San Antonio	Dec. 23, 1854	Fort Chadbourne	Mar. 22, 1855
B	John G. Walker	84	Fort Martin Scott	Dec. 1, 1854	Fort Clark	Mar. 31, 1855
C	William R. Henry	86	San Antonio	Dec. 14, 1854	Fort Clark	Mar. 31, 1855
D	William Fitzhugh	84	San Antonio	Dec. 24, 1854	Fort Chadbourne	Mar. 23, 1855
E	C. E. Travis	80	Fort Martin Scott	Dec. 1, 1854	Fort Clark	April 1, 1855
F	P. H. Rogers	78	San Antonio	Dec. 22, 1854	Fort Chadbourne	Mar. 21, 1855

On the 23d January, 1855, these were believed (16) by the then Secretary of War to be the only troops from the State of Texas that were entitled to pay for services rendered to the United States.

Acting upon that belief, on the 24th January, 1855, a claim submitted on account of the services of three companies of Texas volunteers, called out by the governor in 1852, was not then favorably considered, (17,) for the reason that the troops were not in the service of the Unite

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States. In nearly every instance where volunteer troops have been properly received into said service, the General Government has promptly awarded reasonable compensation to them. In this matter there was no delay concerning the above-mentioned six companies of Texas volunteers. Before they were mustered out of service special provisions were made for them in two acts of Congress. (See Stat. 10, pp. 636 and 673.) These companies were furnished with subsistence (99) and all supplies (100) required by them while they were under the command of General Smith, and for the whole time they were properly in the United States service, by muster, they were paid by United States paymasters or by the Second Auditor of the Treasury. April 2, 1855, found the six companies all mustered out, they having been suppliedwith all necessaries after their last muster in, and funds were forthcoming from the United States Treasury for the payment of the individual members of the organizations.

For these companies the total appropriated March 3, 1855, was	$162,755 38
Between that date and the 30th June, 1859, the total paid for their services and expenses was	93,612 47
On the last-mentioned date war warrant No. 7 carried to the surplus fund this balance	69,142 91

CLASS II.

Papers herewith show that this department repeatedly (1, 13, and 17) advised the authorities of Texas some years ago of the general rule in relation to expenses irregularly incurred, on account of certain volunteers employed for frontier service or to give settlers a sense of security.

The general rule was and is, in substance, that expenditures made by States or individuals for the support of troops who have not been actually received into the service of the United States will not be reimbursed by the General Government, except in extraordinary cases. Any proof of such reception and service is fatally incomplete if unaccompanied with muster-rolls duly prepared and rendered in accordance with law and Army Regulations. In connection with these claims of Texas, muster-rolls of the troops, the six companies excepted, have never been filed in the office of the Adjutant General of the Army.

The rolls, so called, now submitted with the vouchers, cannot be classed reliable substitutes for such muster-rolls as are usually accepted as evidence of service.

By reference to official correspondence, dated during the first half of the year 1855, copies of the same being hereunto annexed, one may obtain therefrom tangible ideas of the condition of military affairs in the Department of Texas about the time the six companies were discharged. Special reference may be made to General Smith's letter, dated June 2, 1855, in which he stated:

> I have late reports from the whole of the frontier. The efforts of the troops have been successful in driving the Indians entirely out of that part of the State forbidden to them, and the roads on the frontier are traveled with security.
>
> A tribe of Lipans, and three bands of Mescaleros have crossed into Mexico; the former are established opposite Laredo and Fort Duncan, and the others in Chihuahua all under the protection of the respective State governments with whom they have made treaties.
>
> As soon as the rains shall afford water and grass, we may expect them to cross the Rio Grande in marauding parties. (See House Executive Document No. 1, first session Thirty-fourth Congress.)

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On the 20th of June, 1855, in writing to General Smith, Governor E. M. Pease inclosed a newspaper slip giving an account of the murder of a citizen and of thefts committed by Indians in a locality where he asserted there were no United States troops; and he requested that a military company might be sent to that locality, (24.)

From the general's letter (4) of July 29, 1854, it seems he was not inclined to credit newspaper reports concerning operations in his department, and this may account for the absence of an immediate reply to the foregoing. Any how, the governor did not long remain silent or inactive, as appears from his letter of July 5, 1855, to J. H. Callahan, who, by it, was authorized to raise a company of mounted men to serve three months, (25.)

Again, on the 25th, he wrote (27) to certain citizens, and from the communication it is learned that he had received a letter* from General Smith, dated the 15th instant, in which the general said he would send a party of mounted riflemen to the neighborhood where the recent depredations were committed, as soon as Major Simonson returned from certain duties. In this same letter the governor stated that if the company (Callahan's) already called out "did not prove sufficient to give security to settlers," he would "not hesitate to call out other volunteers."

From the remark concerning "security to settlers," it might be inferred that the War Department letter (13) of August 29, 1854, was not particularly heeded by the governor, or that he did not really expect the General Government to recognize and pay for the services of Callahan's company. On the 5th of September, 1855, his excellency was at San Antonio, where he hoped, but failed to see General Smith in regard to certain Indian depredations. There he wrote (29) to the department commander concerning military projects, and concluded by calling attention to the good which had resulted from the employment of Callahan's company; by dwelling upon the embarrassing position of the executive of the State, and by expressing distrust in relation to the propriety of employing volunteers. During this same month he also wrote several communications (30–36) to various citizens promising he would call out more volunteers if General Smith did not act. No evidence appears in the correspondence to show that the governor actually made any call within the last half of the year 1855, for the organization or service of an additional force.

General Smith was communicating officially with the War Department during the above-mentioned times, (26–31,) and in no case has it been discovered, from the tenor of his letters, that he recognized any actual necessity for the employment of the Callahan company, or that the latter acted in concert with the Government troops. The correspondence, (31) however, shows conclusively, that in September, 1855, it was expected certain Texans would make a hostile expedition into Mexico, (37)

On the night of the 1st or 2d of October, 1855, such an expedition was made, and J. H. Callahan was its commander. A party (38) of about one hundred and ten Texans (52) secretly crossed the Rio Grande, about three miles below Fort Duncan, to the Mexican side. The Texans had a fight with Mexicans and Indians, and were driven back into Piedras Negras, a Mexican village opposite to Fort Duncan. While occupying that village the Texans set fire to it and burned it up; General Smith stated "most wantonly, for it was occupied by a poor class of

* No copy found.

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people generally engaged in cultivation of small plats of ground," &c. (For full particulars see annexed papers, dated in October, 1855.)

The poverty of the said people may now puzzle the public mind, in view of the fact that, at this time, claims amounting to $11,397,988.43, for property alleged to have been destroyed and damages accrued from Callahan's operations at Piedras Negras, are pending before the American and Mexican joint commission at Washington, District of Columbia.

Two other organizations, in addition to the Callahan company, were connected with the raid into Mexico. They were those of Captains N. Benton and W. R. Henry. The latter commanded one of the six companies referred to in class one. On the 14th March, 1855, members of his company had broken open the post-office at D'harris, and pillaged the town; some were discharged for misconduct on the march; the lieutenant, Jackson, was under arrest; and charges were on hand against the captain, for misconduct while drunk, (19.) On the same day when Captain Burbank was writing his report (38) at Fort Duncan, in relation to the Callahan expedition, the governor was writing (39) at San Antonio, to the lieutenant of Callahan's company. One wrote concerning re-enforcements: "If the Texans should persist in crossing (the Rio Grande) acting under the orders of the governor, as they appear to be doing, I have no force sufficient to oppose them, admitting it to be my duty to do so." The other wrote: "Your company will be mustered out at the expiration of three months from the day you were mustered in."

Upon referring to the rolls the following appears:

Commander.	Aggregate force.	Mustered in.	Mustered out.	Lost in Mexico.						
				Horses.	Pack-mules.	Saddles.	Bridles.	Six-shooters.	Guns.	Pistols.
J. H. Callahan, captain.....	88	July 20, 1855	Oct. 19, 1855	24	17	4	4	3	3	1
N. Benton, captain	26	Sept. 15, 1855	Oct. 15, 1855	7	....	....	....	5	4	2
W. R. Henry, captain.....	36	Sept. 15, 1855	Oct. 15, 1855	14	....	1	1	1	7	1

Callahan's company was mustered out by John D. Pitts, as State mustering officer. Benton's company was mustered into and out of service by J. H. Callahan. Henry's company was mustered into and out of service by J. H. Callahan.

CLASS III.

When the Texans, under Callahan, were on the Mexican side of the Rio Grande, before firing the village, they found themselves apparently under the protection of the United States artillery, at Fort Duncan, Texas. (44.) Taking undue advantage (50) of this circumstance, they "determined to remain" (52) where they were, and sent persons over to Texas for re-enforcements.

Captain Callahan, having discovered, however, that the commanding officer at Duncan would not protect the Texans in the stand they had taken, returned with his forces to San Antonio and the neighboring towns, where, on the 14th of October, 1855, they were "raising men to return and try their fortunes again," (52.)

On account of the events on the Rio Grande, a great deal of excitement existed at San Antonio on the 17th of October, 1854, when the Texans were raising "a thousand men," (55.) On that date and the day before, General Smith there saw parties ride into town "well-armed

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and mounted, and of a better class of citizens than usually join such expeditions," (55.)

On that same date the governor wrote to the general concerning military operations, and suggested that an additional mounted force should at once be called into the field. The governor believed that if he were called upon by the general for such a force, say three companies from the militia of the State, "it would supersede the unauthorized movement of armed men that seemed to be now making in the western part of the State," (54.) From the general's reply (57) it is inferred that he did not favorably consider the foregoing application. In writing to this Department, the general referred to the correspondence above noted and stated:

"I have been told by several persons, committees, &c., that if I will only call out a few companies of rangers, it will at once employ the most unquiet, and tranquilize the alarmed, and thus break up the contemplated enterprise. I refuse absolutely. I will exert every means I have to avoid any serious difficulty, but I will not buy the promised good conduct of such men as must necessarily enter into many of their companies at any price," (58.)

As has heretofore been remarked, nothing appears in the correspondence to show that any other volunteers than the Callahan company were actually called out during the latter half of the year 1855; neither does anything appear to show that General Smith was aware of the existence of any of the governor's organizations of Texas troops, other than the Callahan company, during the said time; yet the State claims re-imbursement for payments made to no less than five companies, in addition to the one above mentioned. Two of the said companies are dealt with in class two, preceding, and three of them appear in this class, (three,) as follows:

Captain.	Aggregate force.	Employed.	
		From—	To—
William Tom	88	October 18, 1855	*November 15, 1855.
W. G. Tobin	28	October 12, 1855	November 15, 1855.
Levi English	56	August 6, 1855	November —, 1855.

* Day fixed for rendezvous (58) of the thousand (55) men who were to invade Mexico. The project became a failure.

The heading on Captain Tom's company roll refers to an "advisory letter from the adjutant general of Texas," on the 17th October, 1855, but a copy of the letter is not found, (61.)

William Tom's company was raised, it is asserted, at San Antonio, and it was supported by a vigilance committee, (61.) He figured in class one as second lieutenant of Henry's company; next, in class two, (losing his gun and a pack-horse in Mexico,) as private of Callahan's company, (discharged October 19, 1855,) and now in this class (three) as captain on the 18th October, 1855, or one day before he was discharged from Callahan's company. The signatures on the vouchers filed fix his identity as one and the same individual in connection with the above facts.

Captain Tom certifies that he mustered his company out of service on the 16th November, 1855, under the instructions of Captain H. E. McCulloch, (60½.) William G. Tobin's company, it is certified on the vouchers, was raised and organized at San Antonio. The captain classed his muster-roll as a report, "commencing on the 12th day of October,

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1855, and ending on the 15th day of November, 1855." He swears that, to the best of his knowledge and belief, the men of his company were actively employed in the military service of the State during the above-mentioned time, (61.) Powers of attorney, several in number, filed with the vouchers, give a slight explanation of one of the purposes for which this company was organized by stating it was to operate against the "Texas Indians."

Levi English's Company.—Concerning this a certificate, under date of December 1, 1855, states that a list therewith contains the names of men who were under English's command and did active service from August 6 until November 13, 1855. To this certificate the name of Levi English appears as having been signed by a bold hand. Papers of a subsequent date show that the captain made his cross-mark in 1856 instead of signing his name. He, or a person of the same name, still lived in July, 1861, and at that time made his cross-mark to an affidavit setting forth as follows:

"That the members of said (English's) company received pay for one month's service from the 6th day of August, 1855, to the 5th day of September, 1855, inclusive, from the treasurer of the State of Texas;" and "that said company was actively employed in the military service of said State for the time herein specified, and was subsequently disbanded, there being no mustering officer, therefore no muster-out roll."

The captain made a power of attorney (139) November 11, 1855, and in so doing swore that his company served against the "Texas Indians." This statement is confirmed by powers of attorney made by his men.

In a message to the State legislature, January 3, 1856, the governor stated that "these companies were voluntarily organized and supported by the citizens of the frontier for their defense." * * *

"I think it but an act of justice that they should receive from the State a reasonable compensation for their services and expenses," (65.)

CLASS IV.

"The action of those parties" who were so much excited on the 17th of October, 1855, seems to have been delayed, as General Smith expected it would be, and the citizens thought "better of the matter and abandoned the expedition," once intended to follow the Callahan affair, (55.)

From the claims submitted in this case, it does not appear that any volunteers or rangers were employed in Texas after November 15, 1855, until some time in the early part of the year 1856.

The magnitude of claims for past services of State troops now began to appear in legislative acts, (137:) One of December 17, 1855, to pay Callahan's party; one of January 14, 1856, for additional pay to the six companies called out by General Smith; and one of a subsequent date to pay the companies of Tom, Tobin, and English; the total appropriated being $87,944.51. J. H. Callahan, it appears, (64,) settled his accounts with the State during the winter months, and, on the 12th of March, 1856, he, with R. W. Johnson and others, wrote to the governor that unless there shall be "something done immediately for the protection of citizens residing on the Upper Blanco, Guadalupe, and Curry's Creek, and Perdinales, they will be compelled to give up their homes," (69.) The reply, of March 31, 1856, from the governor, contains the following: "I have not been unmindful of your exposed condition, and some time since requested* the commanding general of this department to have mounted troops sent to your vicinity for its protection, but I have heard nothing from him in reply, (69.) This letter, in substance, then advised

* No request subsequent to October 17, 1855, appears in evidence.

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the citizens to have a mutual understanding with each other, so as to organize a company of minute-men; and, at the conclusion, it stated: "I intend you shall endeavor by this plan to give yourselves protection against the Indians who may come to the vicinity of your settlements." In the body of the letter the governor wrote: "I shall take pleasure in urging the legislature to make a suitable compensation for the service of those who may be employed, and to pay reasonable expenses that may be incurred."

Concerning these minute-men nothing further appears to have been done officially until August 4, 1856, when the governor, by special message, was "urging the legislature to make suitable compensation" to three companies of minute-men, one being that which he advised the citizens to raise, and the others his message historically mentions, (73.) Upon referring to the lists, or so-called rolls, of these companies, the dates of service and number of men appear as follows:

Captain.	Aggregate force.	Time of service.	
		From—	To—
J. W. Sanson	14	*April 16, 1856 †April 19, 1856	July 16, 1856.
J. M. Davenport	37	March 13, 1856	June 1, 1857.
R. W. Black	30	January 1, 1856	December 31, 1856.

* Governor's certificate in January, 1861. † Mustering officer's certificate.

Further evidence concerning the two companies last mentioned appears in papers herewith, (125, 126,) from which it seems that Davenport himself disbanded his company and that Black's company was voluntarily disbanded.

CLASS V.

In September, 1857, the commanding general of the Department of Texas advised the Secretary of War that a "rumored expedition" was preparing in the western part of Texas for the invasion of Mexican territory, (75.)

The War Department at once authorized the general to prevent, by all means in his power, the consummation of any such design, (75.)

On the 3d November, 1857, the governor wrote to Messrs. G. M. Bryan and John H. Regan, who were then Representatives in Congress, that the force assigned to the Texas frontier was inadequate to its protection and that there was a pressing necessity for a regiment of volunteers to be there employed. To verify the correctness of his statement he reported:

> Within the last few months the mail train from San Antonio to El Paso was attacked and robbed of its animals, and I have now before me a communication just received from a large number of citizens residing on the waters of the San Saba and Upper Colorado Rivers, stating that the Indians have recently made several incursions into these settlements, and stolen and carried off near three hundred horses, (76.)

On the 23d November, 1857, the governor issued letters which authorized in substance the following; (77:) Thomas K. Carmack to enroll a company of twenty mounted men, in the counties of Erath and Palo Pinto; John H. Conner to enroll a company of thirty mounted men in the counties of Brown and San Saba; and Neill Robinson to raise a company of twenty mounted men in the settlements on the waters of

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the Upper Blanco and Guadalupe Rivers. On the 7th December, 1857, the governor authorized (80) Thomas C. Frost to enroll a company of twenty mounted men in the counties of Coryell and Comanche.

Each of the above-mentioned companies was to serve three months; its members to be paid by the State, at the same rates as were allowed to volunteers, during the Mexican war, and its lieutenant was to be elected and then follow written instructions which were, in substance, (78:

You will keep the whole or such portion of your company as you may consider necessary in active service, at such point or points upon the frontier [in the vicinity where raised] as will best enable them to give protection to the inhabitants against the incursions of hostile Indians.

It is not intended that you shall keep the whole or any part of your company in active service any longer at one time than there shall be an actual necessity for them, but that you shall from time to time keep only such number actively employed as will give security and confidence to the settlements you are designed to protect, so as to make the three months of service extend over as long a period of time as possible.

The instructions also warned the lieutenants to exercise extreme caution, so as not to give offense to friendly tribes of Indians, especially those on the reservations, and concluded by pointing out the mode of reports and accounts to be made and transmitted to the governor.

By reference to the lists filed as substitutes for muster-rolls, companies appear to have been organized as follows:

Lieutenant.	Aggregate force.	Time of service.	
		From—	To—
Thomas K. Carmack	20	Dec. 14, 1857	Mar. 14, 185[illegible]
John H. Conner	31	Dec. 2, 1857	Mar. 2, 185[illegible]
John S. Hodges	20	Dec. 14, 1857	Mar. 14, 185[illegible]
T. C. Frost	20	Dec. 21, 1857	Mar. 21, 185[illegible]

John H. Conner was elected lieutenant on the 2d December, 1857, and was commissioned to that office by the governor on the 19th December, 1857, (82.)

John S. Hodges was elected lieutenant of the Neill Robinson company on the 14th of December, 1857, and was commissioned to that office by the governor on the 19th December, 1857, (81.)

Thomas C. Frost (83) mustered his company into service on the 21st December, 1857.

On the 9th January, 1858, the governor notified the department commander of new depredations committed in the counties of Erath and Bosque, and requested that a mounted force should be sent to that frontier, or that authority should be given to the State to raise two or three companies of mounted volunteers to meet the existing emergency. (House Executive Document No. 27, second session Thirty-fifth Congress, page 3.)

In a reply of the 13th he was informed that troops would be sent in pursuit, and the commanding general stated: "I regret to say I am not authorized to call for volunteers, and can only employ the force now at my disposal." (*Ibid.*, 4.)

On the same date, in reporting the above correspondence to Headquarters of the Army, General Twiggs wrote: "It is extremely mortifying to be placed in this situation with an inadequate force." (*Ibid.*, 3.)

On the same date one John Forbes, in writing, handed to the governor reports of the 7th and 8th January, 1858, from Lieutenants Frost and Carmack, the three communications stating in substance that In-

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dians had recently entered the counties of Comanche, Bosque, Erath, and Palo Pinto, on another foray, and in a bold, audacious manner committed depredations; two citizens and a negro killed, two persons taken prisoners, and about one hundred and fifty horses driven off. Citizens pursued the Indians, but failed to overtake them. Frost believed the reserve Indians were concerned in the affair. (*Ibid.*, 5–7.) Two days later the governor wrote to Congressmen Bryan and Regan, inclosed copies of the latters from Frost, Carmack, and Forbes, and urged the members of Congress to press action on the Government. (*Ibid.*, 4.)

On the 16th January, 1858, a resolution of the State legislature was approved, requiring the Texas Representatives in Congress to "call the attention of the General Government to the frequently recurring depredations committed by the Indians," * * "to urge the adoption of a more adequate system of protection against them," * * and "to assist those of our citizens whose property may have been stolen or destroyed by the Indians aforesaid to enforce their claims for indemnity against the General Government in such manner as to them may seem most effective." (*Ibid.*, 8.)

R. H. Neighbours, superintendent of Indian affairs for Texas, to the Commissioner at Washington, under date of January 17, 1858, recapitulated Indian depredations committed since November 1, 1857; traced guilt to northern tribes not belonging to the State; referred to former reports concerning the starving condition of certain Indians; defended character of the tribes on Texas reserves; attributed cause of depredations to failure of the Government to place certain Indians under proper control, and not to a failure on the part of Indian agents of Texas or of military authorities to perform faithfully the duty intrusted to them; condemned the practice of the General Government giving, as annual presents, arms and ammunition to hostile Indians, and concluded by stating that the citizens are preparing claims against the Government for indemnity for losses sustained. (*Ibid.*, 9.)

The department commander, in transmitting to Army Headquarters a copy of the superintendent's letter, stated:

> As I do not understand the policy of the Government in arming those Indians who it is notoriously known to be those that are harassing the Texas frontier, I do not complain of it, but think it strange that such things are. (*Ibid.*, 8.)

An extract from a publication in the Austin Intelligencer of about January 28, 1858, gives the following:

> *The Indians.*—Captain John H. Conner, who has been appointed by Governor Pease to look after the recent Indian depredations, came to town yesterday and made a report of some skirmishes, in which he had one man wounded, and killed "one Indian that he got," and perhaps one more. Five citizens of Brown County have been killed and three hundred and twenty-six horses driven off. The frontiersmen are retreating to the settlements, and the greatest consternation prevails.
>
> * * * * * * * *
>
> A bill passed both branches of the legislature yesterday authorizing the governor to call out one hundred rangers for the protection of the frontier, and appropriating $70,000 for the purpose.
>
> This is a step in the right direction. What with the Utah war and Kansas, the United States fails to afford Texas the protection necessary to save the scalps of our citizens. Let us therefore protect ourselves and charge the bill to Uncle Sam. The legislature has nobly performed its duty; let the governor see to getting the right sort of men. (*Ibid.*, 13.)

With the flourishing article above quoted, and in the events following its issue, the companies of Carmack, Conner, Hodges, and Frost, as well as the service rendered by them, seemingly sunk into insignificance, as the evidence found, and to be hereafter referred to, does not appear to historically bear any relation to these four companies.

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CLASS VI.

By an act of January 27, 1858, the legislature appropriated $70,000 to "pay Captain John S. Ford's companies," (137) and these will presently appear in the field.

By a joint resolution approved January 28, 1858, the State set forth its grievances on account of Indian forays, and from the General Government sought protection for the citizens, and suggested that certain restrictions should be enforced concerning the Indians on the Texas reserves. (House Executive Document No. 27, second session, Thirty-fifth Congress, page 13.)

On that same date the governor appointed and commissioned John S. Ford as captain, (84.) He was instructed and directed to take command of the troops in the service of the State of Texas called out to protect the frontier; he was authorized to organize "the one hundred additional men," and was ordered as follows:

> In all matters pertaining to your duties as commander of the State troops, you will co-operate with the officers of the regular Army, if expedient, convenient, or practicable; also, with the Indian agents. The interests of the frontier require the existence of a good understanding between the officers of this State and those of the United States, as well as concert of action, when it can be had without detriment to the efficiency or the good of the State service. * * * I impress upon you the necessity of action and energy. Follow any and all trails of hostile or suspected hostile Indians you may discover, and, if possible, overtake and chastise them if unfriendly. (*Ibid.*, 14.)

January 30, 1858, the department commander transmitted to Army headquarters an account of Indian depredations south of Belknap, and stated:

> All the disposable force of cavalary from Camp Verde, Fort Mason, Camps Colorado and Cooper have been ordered to that part of Texas, leaving other portions of the frontier, in some measure, unprotected. This is all I can do with the present force. This is the first time in a number of years that the Indians have committed depredations in that vicinity. (*Ibid.*, 12.)

On the 2d February, 1858, the governor wrote to the department commander, inclosed a copy of the orders issued to Ford, tendered the troops to the Government through the general, (Twiggs,) and requested that they be recognized and mustered into the service of the United States. (*Ibid.* 14.) The general replied on the 7th:

> There is no authority by which I can accept the services of the company of State troops without first referring the matter to the War Department; this reference will, however, be immediately made. (*Ibid.*, 15.)

On the 8th and 9th February, 1858, State commissions were issued to Lieutenants Burleson and Pitts, of Ford's company, (85.) In March, 1858, the governor requested the President of the United States to authorize the employment of Texas volunteers to take the place of regular forces reported as ordered to be removed from the Texas frontier at an early day. (*Ibid.*, 16.) To this the Secretary of War replied:

> It is believed that the regiment of mounted volunteers authorized to be raised for service in your State under act of April 7, 1858, will be sufficient to replace the second regiment* of cavalry ordered from Texas to Kansas. (*Ibid.*, 16.)

The regiment of Texas volunteers authorized by the aforementioned act does not appear to have been raised, for the reason that Congress did not make appropriations to meet the expenses which would follow. By reference to correspondence in January and February, 1860, it will be seen that the War Department was at that time asked by the Senate Military Committee to send in estimates of the amount necessary to pay, arm, and support the regiment for one year. The estimates were trans-

* This regiment continued on duty in the State July, 1858. (*Ibid*, 23.)

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mitted, but no subsequent action appears to have been taken. (Senate Document No. 21, pages 20, 21, first session, Thirty-sixth Congress.)

On the 21st May, 1858, Lieutenant A. Nelson, of Ford's Texas Rangers, reported two engagements in which his command operated against Comanche Indians, on the 12th instant, on the north side of the Canadian River. Elated at a success he remarked:

In this, as their first engagement, both officers and men under my command bore themselves gallantly, and as men sensible they had to maintain the character of Texan Rangers. (House Executive Document 27, second session, Thirty-fifth Congress, page 21.)

The particulars of these engagements are detailed in Captain Ford's report of May 22, 1858, from which it appears that his command, together with certain Indian allies from the Texas reserves, passed into the Indian Territory, and there the spies of the expedition, who had discovered Comanche Indians "running buffalo," had gotten a correct notion of their camp by watching pack-animals as they transported buffalo-meat to it. The captain reports:

I prepared to move upon the enemy without delay. When we reached the Fort Smith and Santa Fé road, we saw Comanches moving about in the valley beyond the "divide," apparently unconscious of our proximity. When they had gone we resumed our march, confining ourselves to the low grounds and ravines, to keep out of sight.

The next morning a small "camp of five lodges was discovered and taken. Two Comanches fled toward the Canadian, and were followed by the whole command at nearly full speed." In pursuing the two Indians another camp was discovered, surprised, and the enemy routed. The head chief, Iron Jacket, appeared in gorgeous array, but "fell riddled with balls." The second chief was also killed, and the Comanches were pursued and punished until the pursuers' horses were exhausted. To sum up the affair from the captain's remarks:

The forces of the enemy in these two engagements amounted to upward of three hundred. The captured camp had seventy lodges and fires. The other party numbered over one hundred. Our entire force was two hundred and thirteen. The loss of the enemy, ascertained by actual count of those remaining on the field, was as follows: First engagement, killed 69; second engagement, killed 7; total, 76. Our loss, first engagement, killed 1, wounded 2; second engagement, killed 1, wounded 1; total, killed 2, wounded 3.

The enemy had many wounded, but it was impossible to ascertain the number, and, therefore, no guess at it will be made.

We captured over three hundred head of horses; most of them are in possession of friendly Indians; some fifty or sixty are in the hands of my men. There are few, if any, American horses among them. We took eighteen prisoners, mostly women and children.

* * * * * * *

The conduct of the men under my command was characterized by obedience, patience, and perseverance. They behaved, while under fire, in a gallant and soldier-like manner, and I think that they have fully vindicated their right to be recognized as Texas Rangers of the old stamp. (*Ibid.*, 17.)

General Twiggs arrived at headquarters and assumed command of the department on the 1st of June, 1858, and on the following day inclosed to the Adjutant General of the Army a copy of Ford's report of the "two engagements" in the limits of the Cherokee country. (*Ibid.*, 17.)

Captain John S. Ford wrote from the Brazos agency to the governor, under date of July 5, 1858, referred to the arrival of two reserve Indians, "who had been sent to the tribes east of the Red River to learn, if possible, the parties who committed the depredations in Jack and the adjoining counties in May and June;" and after detailing certain reports obtained, he stated:

The continued and unaccounted for absence of the Kickapoos and Keechis and other

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circumstances point to these people as the prime movers of the murders and depredations recently committed in Jack and the contiguous counties. (*Ibid.*, 29.)

* * * * * *

There can be no doubt of the existence of an alliance between the renegade Kickapoos and Keechis and the northern Comanches in making war upon Texas.

The two messengers also learned that the different bands of Comanches had recently held a council and agreed to consolidate the seven bands into one, under the leadership of the nephew of the late chief Pa-bah-yu-cah. They have made treaties with all or nearly all the tribes residing east of Red River, and the head-chief has taken all the women, children, and old men into the Creek country, which he deems a place of safety for them. The other six bands are to continue the war upon the people of Texas and the reserve Indians. In the event of being hard pressed, they contemplate, beyond doubt, falling back upon their head-chief as a point inaccessible to their enemies, and thus they will convert the people, affording the refuge and their countenance—their allies to all intents and purposes. Should I be continued in the service, I should not hesitate to move upon the point occupied by the head-chief of the Comanches, and chastise him and any others interfering or aiding in the matter adversely.

These facts corroborate and substantiate others already reported to you, and indicate the necessity of inaugurating prompt and efficient measures to give protection to the frontier, and to punish the parties who have grown rich by trafficking in the spoils wrested from our unprotected citizens. They cannot, in justice to the frontier, be overlooked; you will pardon me for again insisting upon the necessity of having a large force in the field, and the good results to be anticipated from a fall or winter campaign against our combined enemies. This, in my belief, affords the only sure plan to secure Texas against the inroads and ravages of her savage and relentless foes. (*Ibid.*, 31.)

General Twiggs, to Army Headquarters, July 6, 1858, wrote:

The second cavalry remains at or near Belknap. If they are intended to be placed under the orders of the department commander for the defense of this frontier, I would respectfully recommend a change of policy with the Indians. For the last ten years we have been on the defensive. I would suggest that it would be better not to detach the regiment to the posts as formerly, but send two detachments (say four companies each) into the Indian country, and follow them up winter and summer; thus giving the Indians something to do at home, and taking care of their families, and they might possibly let Texas alone. I think the experiment worth making. Guides and trailers, I am informed by the agent, can be had from the Indian reservations in Texas. (*Ibid.* 23.)

The foregoing suggestion received the approval of the General-in-Chief on the 22d July, 1858. (*Ibid.*, 23.)

In the mean time (on the 9th July) the governor of Texas had inclosed to General Twiggs a copy of Ford's report of July 5, 1858, and expressed his apprehensions that disturbances of a serious character would soon arise on the frontiers from incursions of Indians, "now the more exasperated because of the recent retribution visited on them for the many outrages perpetrated during last winter and spring." (*Ibid.*, 27.)

On the 10th the governor wrote to the Secretary of War, stating:

The disbandment of the little band of rangers which has been stationed on the frontier will take place about the 1st of August, and, I fear, will occasion great consternation and alarm to the exposed settlements, unless prompt action should be taken by the General Government in substituting an active and effective force in their stead. (*Ibid.*, 26.)

July 27, 1858. General Twiggs, to Headquarters of the Army, wrote:

I respectfully ask permission of the General-in-Chief to detach three or four companies in the fall, to leave on the 15th of September, to go into the Indian country and follow up the Comanches to the residence of their families, this command to remain some three or four months, or until spring. It is necessary to have the order of the General-in-Chief, as the command might find it necessary to follow the Indians into another department.

I intend, if the permission is given, to put the command under Major Van Dorn.

The Second Cavalry being concentrated at Fort Belknap has, in my opinion, restrained the Indians from retaliating on the settlements for the attack on them by the Texans lately. (*Ibid.*, 24.)

The Dallas Herald published a communication of July 20, 1858, from

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A. C. Love, Oil Springs, Chickasaw Nation. The editor, in commenting upon the affairs set forth, stated:

We think that a vigilant lookout ought to be kept up, and that the movements of the northern Comanches ought to be watched constantly. The Indians are exasperated at their defeat by Captain Ford. They must be "wiped out," as Mr. Love expresses it, or they will have terrible revenge. (*Ibid.*, 32.)

Further propositions were submitted by General Twiggs to Army Headquarters under date of August 4, 1858, in relation to offensive operations against the Indians. (*Ibid.*, 25.)

August 9, 1858, the governor inclosed to the Secretary of War a copy of Captain Ford's report and suggestions of the 5th ultimo, and, as the executive of the State, demanded from the general government protection for the citizens on the frontiers of Texas. He wrote:

The existing state of affairs cannot be endured, and Texas will not much longer acquiesce in silence, little as it may be believed by those from whom she claims a proper consideration. (*Ibid.*, 29.)

From the rolls filed with the vouchers it appears that Ford's command was as follows:

Officer.	Aggregate force.	Time of service.	
		From—	To—
John S. Ford, captain, and four lieutenants	135	Jan. 10, 1858	Aug. 10, 1858
John Williams	*20	May 24, 1858	July 24, 1858
William G. Preston	24	April 20, 1858	June 30, 1858
W. N. P. Marlin	34	July 15, 1858	Nov. 15, 1858

* This company the governor specially authorized (86) in May, 1858, and disbanded (89) in July, 1858.

Further evidence concerning the history of the foregoing organization is not found.

CLASS VII.

August, 1858.

9th.—Captain William E. Prince, United States Army, to Texas department headquarters, wrote:

"Wichita chiefs report that large bands of Comanches, Apaches, Cheyennes, and other wild tribes of Indians are collected on the Canadian, near the Antelope Hills, professedly for hostile purposes, and" * * "to make an incursion upon the frontier of Texas." (Page 35 of House Executive Document No. 27, Thirty-fifth Congress, second session.)

9th.—General Twiggs renewed his remarks concerning the proposed Van Dorn expedition, and stated:

"For the last ten years the troops in this department have been acting mostly on the defensive. The Indians will not remain quiet, and they must be made to feel the power of the United States." (*Ibid.*, 24.)

12th.—The governor inclosed to the Secretary of War the (Love) slip from the Dallas Herald in regard to the intended movements of the Indians. (*Ibid.*, 31.) The receipt of this was acknowledged by the War Department on the 28th following. (*Ibid.*, 34.)

24th.—General Twiggs sent to Army Headquarters the Prince letter of the 9th, and inclosed a newspaper paragraph headed, "*Indian depredations; four men killed;*" *occurrences near Fort Davis.*

The general stated:

Fort Davis is one hundred and eighty miles from Fort Lancaster. This extreme distance is without any military post. It is between these points most of the depredations on this road are committed. The road from this to El Paso is traveled almost

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daily, and large amounts of property transported on packs and trains. The San Diego mail makes two trips a month to San Diego from this place, (San Antonio.) It is important that this road be well guarded, but I have not the force to do it. (*Ibid.*, 34.)

September, 1858.

2d.—Lieutenant Van Camp, United States Army, reported concerning his attempt and failure to enforce order at the Comanche agency on the Clear Fork of the Brazos. (*Ibid.*, 38.)

17th.—General Twiggs, to Army Headquarters, wrote:

Indications along the frontier, as well in Texas as outside, augur a general war with the Comanches, Kickapoos, and such other hostile tribes of Indians as they can induce to join them, and that they will operate united against the frontier of Texas. It is said a council of the different tribes has been held this summer, and such was the determination.

From the Rio Grande reports are numerous of depredations and murders in Mexico. The river is, of course, no barrier to their crossing on this side, as the Rio Grande can be forded at this season of the year anywhere. Major Van Dorn's command is smaller than I could wish, but it is all that he can be safely spared from the department at this time. The inclosed report, from Lieutenant Van Camp, of the Second Cavalry, shows the feelings of the Comanches on the reserve. (*Ibid.*, 36.)

18th.—Sixty-one citizens of Wise and Montague Counties joined in a petition, representing the deplorable condition of affairs in their section of country; referring to Indian depredations committed upon the settlers, to their "having despaired of receiving protection from the United States," to the depopulation of Montague County, and to the general distress prevailing about their neighborhoods. The citizens concluded by announcing their determination to organize a company for "self-protection;" but they desired the governor's sanction and co-operation in the matter. (*Ibid.*, 61.) The petition was inclosed to the governor in a letter from H. Bishop, indorsed by H. H. Gaines, giving additional particulars. (*Ibid.*, 62.)

26th.—Van Dorn's command was at a camp on Otter Creek, Cherokee Nation, and from there the major reported as to his intentions. (*Ibid.* 48.)

October, 1858.

1st.—The command had an engagement with the Comanche Indians. Lieutenant Van Camp and three men were killed, and Van Dorn, Captain Ross, and eight soldiers wounded; forty-four Indians were killed and some women and children taken prisoners. (*Ibid.*, 49–50.)

4th.—One hundred citizens of Cook, Montague, and Wise Counties joined in a petition to the governor, setting forth that murders and thefts had been committed in their vicinities by Indians, and asked for a company of a hundred men to range in these counties. (*Ibid.*, 64.) This petition was inclosed to the governor by his friend, E. C. Palmer, who stated:

There is no humbug about it. It is all the men can do to protect their stock and their families; they cannot go out after the Indians; they are all looking to you for a little help immediately, and you will gain a great credit by assisting. It is their wish that you send Captain Ford, if he is convenient, with orders to enlist a company in these or the adjoining counties. This country is settling up very fast; a large emigration is expected from Missouri, and the slave-holders from Kansas." (*Ibid* 66.)

4th.—The petition of September 18, 1858, having reached the governor, he wrote to Colonel James Bourland, of Cook County, expressing pleasure at an article in the Dallas Herald, showing that the colonel had taken the matter of protection in hand, and, with a number of citizens, "had determined to follow up and punish the Indian enemy." (*Ibid.*, 42.)

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The governor inclosed to the colonel a commission (91) as captain, and authorized him to raise a company of seventy-nine men, rank and file, and delegated to him powers of an extraordinary character; for which see pages 41 to 43 of House Executive Document No. 27, of the Thirty-fifth Congress, second session, or the papers hereunto annexed, numbered 90 and 91.

5th.—Van Dorn, having sufficiently recovered from his wounds, wrote a detailed report of his engagement of the 1st instant. (*Ibid.*, 51.)

7th.—General Twiggs apprehended that a "serious blunder" had been made somewhere, as he had learned that a treaty was made with the Comanches, Wichitas, &c., while he was fitting out an expedition against them. (*Ibid.*, 40.)

14th.—Ben. Hubert offered observations of depopulated counties. (*Ibid.*, 66.)

18th.—General Twiggs forwarded to Army Headquarters Van Dorn's report and commented thereon. (*Ibid.*, 48.)

18th.—James Bourland accepted the commission from the governor and reported Indian depredations, asserting that the Comanches were fearfully in earnest concerning their warfare against Texas. (*Ibid.*, 55.)

Van Dorn's command rested at camp on Otter Creek, Cherokee Nation. (*Ibid.*, 58.)

22d.—General Twiggs, to Army Headquarters, wrote:

> I consider there is now a crisis in the Indian affairs of this frontier, and if I had the means to prosecute a vigorous campaign against them, much good would be the result. The Comanche Indians should be thoroughly chastised, or there will be no peace or security to Texas. (*Ibid.*, 53.)

25th.—Reports made to the governor: Joshua Jackson, wife, daughter, and a child murdered, and two girls of the same family carried off by Indians. (*Ibid.*, 67 and 68.) Fifty-five citizens of Lampasas County, citing the above, petitioned the governor to grant them a company. (*Ibid.*, 70.)

27th.—The governor wrote to the Secretary of War, hoping the General Government would provide to meet the expenses of Bourland's company, (*Ibid.*, 54,) and to General Twiggs concerning the Jackson murders, and aid required. (*Ibid.*, 57.)

28th.—A district court adjourned, "and the court and juries and many citizens" started in the pursuit of Indians. (*Ibid.*, 69.)

30th.—Business suspended; families "forted;" a young lady found butchered; Indians pursued, one killed; some clothing of Jackson family recovered; alarm and confusion prevailing. (*Ibid.*, 70.)

30th.—General Twiggs transmitted to Army headquarters the governor's request of 27th, and stated: "No troops available" to meet the request except one company of cavalry supposed to be already "in pursuit of those Indians." (*Ibid.*, 56.)

November, 1858.

1st.—General Twiggs reported Van Dorn's position; had sent re-enforcements; action and energetic operations necessary; frontier stripped of nearly all the mounted force; a very hazardous move; understood Comanches crossed into Mexico; shall pursuit follow into Mexico? In absence of instructions will order them pursued across the Rio Grande. (*Ibid.*, 57.)

2d.—Governor authorized John S. Ford to raise a company of rangers, to rendezvous at Austin. (*Ibid.*, 71.)

Governor, to Secretary of War, inclosed evidence of depredations,

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and "letters of Captain John Williams and Lieutenant Cowan, officers of a company of volunteers organized for the immediate protection of their homes." He stated:

I have, therefore, under the existing emergency, authorized, in addition to the order issued to Captain Bourland, Captain John S. Ford to raise a company of eighty-nine men, with instructions to repair without delay to the point of danger and give such protection to the inhabitants as he may be able therewith. In conclusion, I can but express the hope that the Government will recognize these companies and cause an appropriation for their pay and subsistence to be made by Congress at its present session; and, if not, that such other effective measures may be adopted at an early day as will render their presence no longer necessary in the field. (*Ibid.*, 60.)

9th.—General-in-Chief, to Twiggs regrets additional troops cannot be sent to Texas; purposes to send recruits. (*Ibid.*, 54.)

10th.—Ford and his lieutenants commissioned, (94.)

15th.—Van Dorn expedition heard from. (*Ibid.*, 72.)

18th.—General Twiggs wrote:

The experiment of following the Comanches into their country so far is attended with good results. None have been on the frontier since Major Van Dorn went into that country, with one exception, and that was the party that murdered the family in Brown County. (*Ibid.*, 73.)

19th.—General-in-Chief, to General Twiggs, sanctioned the pursuit, if necessary, of hostile Indians into "another department" by troops of the Department of Texas. (*Ibid.*, 59.)

26th.—General Twiggs expressed regret at not being able to obtain re-enforcements; Van Dorn's horses, much reduced, to be recruited: Comanches out of reach; will probably remain so until the cavalry leaves their country, "when the same scenes will be enacted over again that have been on the Texas frontier for the last ten years. The inhabitants of Texas cannot be protected by the present force in the department." (*Ibid.*, 73.)

26th to 28th.—Van Dorn's command to be in the saddle on the 1st proximo (*Ibid.*, 73) to "hunt" Indians. (*Ibid.*, 74.)

December, 1858.

8th.—The Comanches will in all probability not trouble the frontier of Texas this winter. Permission given to Van Dorn to winter at Fort Belknap with a portion of his command. (*Ibid.*, 76.)

9th to 12th.—Scouting parties sent out from Van Dorn's command: no Indian signs. (Page 356, Senate Document No. 2, Thirty-sixth Congress, first session.)

13th.—General Twiggs reviewed his past reports and submitted plans for future operations. Purposed to next spring break up all the posts except those on El Paso mail-route and to concentrate the infantry at some point near the Indian country. Expressed his views in relation to the Comanche Indians. (Page 76, House Executive Document No. 2, Thirty-fifth Congress, second session.)

January, 1859.

13th.—General Twiggs's plans submitted to General Scott, in substance; to break up posts at Fort Brown, Ringgold Barracks, and Fort McIntosh; increase garrison at Fort Duncan; part of infantry to protect San Antonio and El Paso mail-route; rest to be concentrated at Camp Cooper, on Comanche reservation; suggested that, in order to govern Comanches near Chihuahua, in Mexico, where "there is now no government," a portion of her territory should be taken possession

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of by the United States. (Page 5, House Executive Document No. 52, first session Thirty sixth Congress.)

13th.—General Scott forwarded the plans above mentioned for executive consideration, and approved the suggestion in relation to the Comanches. (*Ibid.*, 6.)

19th.—The Secretary of War instructed General Twiggs "that it is inexpedient to allow the troops in pursuit of the Indians to pass beyond the borders of the United States." (Page 355, Senate Document No. 2, Thirty-sixth Congress, first session.)

30th.—Fort Belknap to be broken up by command of General Twiggs. (*Ibid.*, 355.)

31st.—The latter suggested the enforcement of an order "declaring the Comanches hostile whenever found off the limits of their reservations without proper permission, and requiring the troops to punish them accordingly." (*Ibid.*, 355.)

February, 1859.

5th.—General Twiggs wrote:

> It is known that a portion of the Indians that were attacked by Major Van Dorn, in October last, crossed the Rio Grande into Mexico. They are located on a lake eighty miles southeast of Chihuahua. The number of Comanche warriors around that lake is estimated from seven to eight hundred. It appears there is a tacit understanding between them and the Mexicans not to molest each other except in extreme cases. They will, no doubt, commence their operations on the Texas frontier as soon as the grass will subsist their animals. These Indians ought to be broken up and be made to feel that the only security for them is in their good behavior. (*Ibid.*, 358.)

5th.—Captain Lee reported five Government mules stolen from Fort Quitman last night by Indians, who fled across the Rio Grande. (*Ibid.*, 360.)

5th.—Ringgold Barracks and Forts McIntosh, Mason, and McKavett to be abandoned by order of General Twiggs. (*Ibid.*, 259.)

6th.—Fifty-eight horses stolen from Dr. Isabel in the Frio Cañon by Indians, whom a detachment of regulars pursued on the 9th and overtook on the 13th. Three of the six thieves were killed. Of the horses, forty-nine were retaken and nine were killed. (*Ibid.*, 361.)

16th.—Indians on the other side of Rio Grande turning their attention to the El Paso road. (*Ibid.*, 360.)

21st.—The chief justice of Mason County complained of Indian visits made to his county after Fort Mason was broken up, and asked the governor for troops. (Page 9, House Executive Document No. 52, Thirty-sixth Congress, first session.)

22d. An engagement reported between regulars and Indians on the San Diego mail-route about seventy-five miles northwest from El Paso. "This is the third time, within the past thirty days, that Indians who are in communication with Mexico have made their appearance at different points along this route." (Page 361, Senate Document No. 2, Thirty-sixth Congress, first session.)

24th.—Comanches near Fort Arbuckle; two killed by detachment of regulars. (*Ibid.*, 381.)

24th.—John S. Ford, at Brazos agency, was preparing to pay off Lieutenant Marlin's command; heard of a party of Indians passing up country with about one hundred and twenty horses stolen from Caddo Indians; at once commenced to organize an expedition; enlisted Lieutenant Marlin and some of his men for the trip; American horses also stolen. (Page 10, House Executive Document No. 52, Thirty-sixth Congress, first session.)

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27th, 28th.—Comanches near Fort Arbuckle committing depredations. (Pages 381, 384, 385, Senate Document No. 2, Thirty-sixth Congress, first session.)

28th.—More Comanches killed by regulars near Fort Arbuckle. (*Ibid.*, 385.)

March, 1859.

4th.—James Bourland reported concerning the operations of his command. (Page 10, House Executive Document No. 52, Thirty-sixth Congress, first session.)

9th.—Citizens of Brownsville petitioned the Secretary of War to give them security of life and property by ordering the re-occupation of Fort Brown and Ringgold Barracks by United States troops. (*Ibid.*, 12.)

15th.—The governor desired the Secretary of War to adopt measures for the payment of the companies of Ford and Bourland, they to be kept in the field. (*Ibid.*, 8.)

18th, 19th.—Governor communicated with General Twiggs, who replied that the settlement of "the existing difficulties between the citizens of Texas and the reserve Indians, who are known to be friendly, is a purely civil matter, with which I have nothing to do further than to aid the proper officers in carrying out the laws." (Pages 362, 363, Senate Document No. 2, Thirty-sixth Congress, first session.)

19th.—Governor communicated with Bourland about rolls and recruits. (103.)

21st.—Messrs. Hemphill and Ward, to the Secretary of War, believed there were "mischief and calamities likely to follow the removal of the troops from Fort Brown, Ringgold Barracks, and Fort McIntosh." (Page 11, House Executive Document No. 52, Thirty-sixth Congress, first session.)

24th.—R. S. Neighbours apprehended that a party of Texans contemplated an attack on the Indians at the Brazos Agency. (Page 363, Senate Document No. 2, Thirty-sixth Congress, first session.)

28th.—General Twiggs explained about posts broken up, and stated:

> There is not nor ever has been any danger of the Mexicans crossing on our side of the river to plunder or disturb the inhabitants, and the outcry on that river (the Rio Grande) for troops is solely to have an expenditure of the public money. At every post that has been abandoned in Texas an outcry has been raised, and plenty of Indian signs seen; the citizens in the vicinity of those posts are very unwilling to lose the opportunity of handling a portion of the money necessarily expended by the Government and troops. (*Ibid.*, 362.)

28th.—Reserve war over for the present; "men embodied was about one hundred, from Jack, Palo Pinto, and Wise counties." (*Ibid.*, 363.

April, 1859.

5th.—The Secretary of War authorized General Twiggs to enforce hostilities against all Indians found off their reserves within his department. (*Ibid.*, 357.)

May, 1859.

13th.—Regular troops operated successfully against Indians. (*Ibid.*, 365–368.)

21st.—Citizens again in arms against the Brazos reserve Indians; one of the latter hanged; ex-Indian Agent John R. Baylor commanded the citizens; "had determined to destroy the Indians on this and the upper reserve if it cost the life of every man of his command;" citizens

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withdrew to Marlin's ranch; "it was believed that Baylor would join with Nelson," and attack the Comanche reserve.

26th.—Major George H. Thomas, at Camp Cooper, Texas, wrote:

I was told this morning, by a gentleman who resides near Austin, that there was the greatest excitement throughout the lower counties and that the people were arming with the avowed intention of attacking and breaking up both reserves. All civil authority seems to be at an end. The May term of the district court of Young County cannot be held, the judge and other officers of the court fearing to travel through the excited district. (*Ibid.*, 373.)

27th.—"I received additional information this morning that over two hundred men were on the road between this and Belknap, and that they were concentrating to attack this reserve," (the Comanche.) (*Ibid.*, 374.)

31st.—Reported that two hundred Comanches came over from Mexico, and were seen near Comanche spring, on the El Paso road. (*Ibid.*, 375.)

June, 1859.

2d.—General Twiggs, to the governor, referring to the deplorable state of affairs at the Indian reservations, wrote:

Nearly all of the United States troops under my command, as you are well aware, are now engaged in active operations in the field against hostile Indian tribes, so that, were it their province, I have but a small number left to keep the citizens of Texas from exterminating Indians who are known to be friendly, and who have furnished from their tribes about a hundred warriors to accompany the troops as guides in the field. (*Ibid.*, 374.)

6th.—The governor appointed a board of five peace commissioners to represent the State of Texas and peaceably and lawfully adjust the difficulties at the Brazos agency. He authorized the board, "in the last resort, to call into the military service of the State one hundred men, for the purpose of preserving the peace and preventing violations of the law between the parties," (105, 106.)

9th.—General Twiggs instructed to furnish an escort for the removal of Indians from Texas reservations to the country leased from the Choctaws and Chickasaws. (Page 364, Senate Document No. 2, Thirty-sixth Congress, first session.)

11th.—The department commander to General Scott reported concerning the Comanches seen near Comanche spring, on the El Paso road, and stated:

So long as these Indians know that the Rio Grande is the limit beyond which the United States troops cannot pursue them will the State be infested by these marauders from foreign territory. (*Ibid.*, 375.)

22d.—General Twiggs acknowledged receipt of order of 9th instant, and wrote:

A compliance with the instructions will necessarily leave a portion of the frontier without adequate protection. (*Ibid.*, 375.)

25th.—General Twiggs, to the Adjutant General, wrote:

I am at a loss to know what kind of a guard to send with the reserve Indians, whether cavalry or infantry. If it is to protect them from Texans, a small detachment is sufficient, as the Texans will not follow the Indians out of the limits of the State; if from the Indians on the prairie, less than four companies will not be sufficient. I do not wish to break up any of the posts on the El Paso road, as the Indians in Mexico, across the Rio Grande, ought to be kept in check, if possible. I do not think there are twenty hostile Comanches in Texas, but they can come in a few hours from the other side of the Rio Grande. (*Ibid.*, 376.)

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July, 1859.

6th.—General Twiggs wrote:

I do not believe there is at present in this State any considerable number of Comanche Indians; there may be some small parties for horse-stealing, &c. (*Ibid.*, 376.)

8th.—Inquiry, concerning disposition to be made of six Comanche prisoners, answered August 5, 1859. (*Ibid.*, 377.)

13th.—Disturbances at Brownsville, in executing a warrant, will presently be specially referred to under a heading, "Juan N. Cortinas."

14th.—The War Department decided to protect the reserve Indians by force, if necessary, (107.)

16th. General Twiggs notified of the decision of the 14th, (page 365, Senate Document No. 2, first session Thirty-sixth Congress,) and instructed to send two companies with the reserve Indians. (*Ibid.*, 375. (108.)

September, 1859.

1st.—Indians reported to be near Loredo, "exhibiting no fear whatever." (Page 30, House Executive Document No. 52, second session Thirty-sixth Congress.)

8th to 9th.—Indians appeared on the Pendencia, thirty-five miles southwest of Eagle Pass, where they destroyed everything in and about two houses, occupied by three families; killed a Mr. Warman; ravished two daughters, one of six and the other of ten years, in presence of their mother, (Mrs. Hunter;) beat out the brains of the three females; crushed an infant to death, and, taking its mother with them, crossed the Rio Grande. The reporter (William Stone) concluded by stating:

While there were troops at Fort Duncan, there was never an instance of women and children being massacred, at least not in this vicinity.—Eagle Pass. (*Ibid.*, 17-28.)

10th to 15th.—Two companies, one of twenty-two, the other of eighteen citizens, sent in pursuit of the Indians. (*Ibid.*, 29.)

16th.—General Twiggs reported to Army headquarters the murders above referred to. (*Ibid.*, 16.)

17th.—Three parties of Indians reported near Loredo, committing depredations, and volunteers organizing to drive them out of the country.

22d.—Dallas Herald. William Stone, captain of volunteers, in pursuit of Indians. "The merchants at Eagle Pass threw open their stores and generally told the volunteers to help themselves to supplies." (*Ibid.*, 19.)

22d.—William Stone, reporter of the outrages on the 8th and 9th instants, "is a man whose statements may be relied on."

"This, in my opinion, is only the commencement of outrages by Indians from the Mexican side of the Rio Grande."—General Twiggs. (*Ibid.*, 16.)

October, 1859.

1st.—John L. Haynes dwelt upon the early history of operations on the Rio Grande, and urged the re-occupation of certain military posts. (*Ibid.*, 24.)

6th.—Hon. John Hemphill, to the President, submitted the foregoing of the 1st instant, with comments. (*Ibid.*, 23.)

7th.—General Twiggs reported concerning small parties of marauding Indians, supposed to be from across the Rio Grande. (*Ibid.*, 31.)

Here the chain of evidence concerning current events connected with Indian operations appears broken, leaving a blank covering several months' time.

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Referring to the lists or rolls of troops pertaining to this class, the following appears:

Officers.	Enrolled.		Discharged.		Died.
	No.	When.	No.	When.	When.
Captain James Bourland	1	Oct. 4, 1858	1	Unknown.	
First Lieutenant E. C. Perry	1	Oct. 28, 1858	1	Unknown.	
Second Lieutenant A. Boutwell	1	Oct. 28, 1858	1	Jan. 28, 1859	
Third Lieutenant G. H. Fitzhugh	1	Oct. 28, 1858	1	Unknown.	
Enlisted men	63	Oct. 28, 1858	1	Nov. 29, 1858	
Recruits	2	Nov. 10, 1858	1	Dec. 22, 1858	
			1	Dec. 25, 1858	
			1		Jan. 11, 1859
Recruits	11	Nov. 13, 1858	52	Jan. 28, 1859	
			1		Feb. 27, 1859
Recruit	1	Nov. 29, 1858	1	Feb. 28, 1859	
Recruit	1	Dec. 22, 1858	1		Mar. 27, 1859
			1	Mar. 28, 1859	
Recruits	9	Jan. 28, 1859	2	April 6, 1859	
Recruits	4	Feb. 7, 1859	31	April 28, 1859	
Recruits	2	Feb. 13, 1859	.....	.....	
Captain John S. Ford	1	Nov. 10, 1858	1	May 10, 1859	
Lieutenant J. R. Gibbons	1	Nov. 10, 1858	1	May 10, 1859	
Lieutenant Aaron Burleson	1	Nov. 10, 1858	1	May 10, 1859	
Enlisted men	87	Nov. 10, 1858	86	May 10, 1859	
			1	Feb. 10, 1859	
Lieutenant W. N. P. Marlin	22	Feb. 24, 1859	22	April 4, 1859	
Captain J. H. Brown, (commissioner)	1	June 28, 1859	1	Sept. 12, 1859	
First Lieutenant J. W. Newlin*	1	.....	1	Sept. 1, 1859	
Second Lieutenant J. Y. Carmack*	1	.....	1	Sept. 1, 1859	
Surgeon W. E. Oakes*	1	.....	1	Sept. 1, 1859	
First Lieutenant W. H. White†	1	.....	1	Sept. 12, 1859	
Second Lieutenant J. D. Bell†	1	.....	1	Sept. 4, 1859	
Surgeon H. Bradford†	1	.....	1	Sept. 4, 1859	
Enlisted men	55	.....	1	.....	Aug. 15, 1859
Recruits	4	July 4, 1859	4	Aug. 21, 1859	
			15	Aug. 23, 1859	
Recruits	14	July 7, 1859	1	Aug. 25, 1859	
			19	Sept. 1, 1859	
Recruits	4	July 18, 1859	36	Sept. 4, 1859	
			1	Sept. 12, 1859	

*First detachment. †Second detachment.

Bourland's company was the one authorized by the letters of October 4, 1858, and March 19, 1859, from the governor, who acknowledged receipt of its rolls on the last-mentioned date. Concerning the services of this company there is nothing found further than what appears in Bourland's communications of October 18, 1858, and March 4, 1859. Its existence, otherwise than on paper, was apparently unknown to the United States military authorities in Texas.

Ford's company was the one authorized by the letter of November 2, 1858, from the governor, who commissioned its officers on the 10th of the same month. Nothing further appears concerning the services of this company than is found in Ford's report of February 24, 1859.

Brown's company was one which the peace commissioners on the part of the State were authorized to call out in the last resort to settle the difficulties at or near the Brazos agency. One of the commissioners, John Henry Brown, became captain of the company, and concerning its services nothing further appears.

CLASS VIII.

The history of the troops employed under this classification renders it necessary to turn to certain records of Congress and trace events

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therein noted. For convenient reference let marks appear, to represent the books selected, as follows:

A.—Senate Document No. 21, first session Thirty-sixth Congress, vol. 9.
B.—Report of Committees (H. R.) No. 535, first session Thirty-sixth Congress, vol. 4.
C.—House Executive Document No. 52, first session Thirty-sixth Congress, vol. 8.
D.—House Executive Document No. 81, first session Thirty-sixth Congress, vol. 12.
E.—Senate Document No. 2, first session Thirty-sixth Congress, vol. 2.

Let numbers hereinafter specified be applied to the pages bearing upon the history of this class in connection with Juan Nepomuceno Cortinas. This extraordinary character was a soldier under General Arista at the time General Taylor's army arrived on the Rio Grande, (D, 2;) was at one time lieutenant under Garcia, but being detected selling horses given him for a remount, was dismissed, (D, 3;) murdered his employer, Mr. Somerville, in 1847; committed robberies in Texas in 1849, (C, 125;) had an indictment pending against him in 1850 in the Cameron County court of Texas, (C, 123;) continued to commit depredations in Texas in 1858; was then an outlaw, and for his numerous robberies was again indicted in the Cameron County court in the spring of 1859, (A, 13;) the indictments were hushed or looked over; he visited Brownsville two or three times a month, walked publicly in the streets, and went where he pleased, (A, 12;) when he came to town he was always well armed or had some of his friends around him, making it dangerous to interfere with him, (D, 2; C, 21.)

In the spring of 1859 a number of Mexicans, of reputed bad character, who infested certain sections of country bordering on the Nueces River, were driven away by a vigilance committee. These Mexicans banded together with Cortinas, and committed depredations thereafter, (A, 15.) He had a ranch, called San José, a few miles from town, and whenever there was any danger of arrest, he would retire to that place and keep himself surrounded by a band of outlaws as desperate as himself, (D, 2.)

July, 1859.

13th.—Robert Shears, city marshal of Brownsville, was in the act of executing a warrant for the arrest of a disorderly Mexican, when Cortinas appeared, shot the marshal, took the Mexican, set him up on behind his horse, and rode off unpursued. To the marshal, Cortinas subsequently sent messages that he was in command of a company of soldiers at Matamoras, and he offered money to reconcile and compromise the shooting affair, (A, 17.)

September, 1859.

28th.—Cortinas and his band entered Brownsville early in the morning, murdered five citizens, including the jailer, and released ten or twelve murderers or robbers from the jail, (C, 31.) "The immediate object of the gang seemed to be to execute summary vengeance on all toward whom either Cortinas or any of his gang had private grudge. The party remained several hours in the place, charging through the streets in a most savage manner, calling for many persons whom they did not find, the gang shouting, 'Death to the Americans—*viva la republica Mexicana*,' and threatening to hoist the Mexican flag on the staff of our deserted garrison," (C, 20.)

Cortinas made his headquarters in the deserted garrison of Fort Brown, and sent mounted men hunting up their enemies. He himself rode up to a store and called for spirits of turpentine. At this time

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General Caravajal made his appearance; sent for Cortinas, had a talk with him, and, with the assistance of Don Manuel Tresiño, induced the villain to leave town, (D, 4.)

The gang rendezvoused at the ranch of Cortinas's mother, located a few miles above Brownsville, (D, 4.) From that place Cortinas issued a proclamation on the 30th of September, 1859. (For a copy, see C, 70.) General Twiggs was written to for assistance, and was informed of the prevailing opinion at Brownsville: "That if there had been Government troops in the garrison, such a number of men"—between fifty and a hundred—"could not have been induced to have entered the town," (E, 397.)

October, 1859.

2d.—Eleven citizens of Brownsville recounted the Cortinas affair of September 28 and wrote:

So long as the General Government kept a show of its authority by the occupation of its frontier posts along the river, we had no complaint for want of public order or the necessary municipal protection. Now it is different; we have seen that a single Mexican outlaw can raise a crowd in our midst of several hundred desperate, lawless, and licentious beings, and offend with impunity the most sacred laws of security, peace, public order, and civilization itself, (C, 20.)

8th.—These statements were reported to the President, (C. 33, 34, 35.)

10th.—A guard of twenty-two paid men were kept at Brownsville, (C. 40.)

13th.—The governor gave W. G. Tobin authority to raise a company of "one hundred men, for the purpose of assisting the civil authorities in the county of Cameron in quelling the lawless and bloody disturbances at the city of Brownsville." (See annexed paper, 109.) During this time Cortinas continued to rob settlers to supply the wants of his command, &c., (A, 18.) Upon visiting Mexico he was treated well by its people, (A, 15.)

23d.—He fortified his position and stopped travel, (C, 47.)

24th.—A force composed of Americans and Mexicans attacked him and was defeated, losing two pieces of artillery, (C, 44 and 68.)

25th.—The War Department directed General Twiggs to "issue the necessary instructions for the immediate re-occupation of Fort Brown by two companies of artillery," (C, 36.)

25th.—New Orleans citizens petitioned the President "for immediate Government interposition," (C, 36.)

26th.—Cortinas threatened to batter down the houses at Brownsville, if certain enemies were not delivered into his hands, (C, 69.)

November, 1859.

1st.—Two companies of regulars at Fort Clark notified to be in readiness to re-occupy Fort Brown, (C, 41.)

1st.—"The enemy daily increasing," (C, 49.)

5th.—Mails stopped and inspected, (C, 52.)

7th.—Tobin's company *en route*, (C, 52.)

7th.—Exaggerated statements, (C, 49.)

9th.—War Department, by telegraph, ordered a company from Baton Rouge to Fort Brown, (C, 54.)

11th.—General Twiggs magnified the distresses, (C, 56.)

12th.—Regulars to move in force; Major Heintzelman to command, (C, 54.)

12th.—The grand jury of Cameron County reported "on the disturbances," (C. 92.)

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12th.—Brownsville is safe; one hundred and twenty Texas rangers arrived, (C, 61.)

14th.—General Twiggs wrote:

Carbajal has five hundred men opposite the town of Rio Grande City, and is always ready to join any side, (C, 56.)

17th.—United States troops under Captain Ricketts arrived, (C, 62.)

21st.—General Twiggs wrote:

The reports concerning Cortinas prove to be mostly false. The order sending the troops to Brownsville has been countermanded, (A, 3.)

21st.—Appraiser General W. P. Reyburn reported the actual condition of affairs, as they appeared to an "eye-witness," (C, 64.)

22d.—The prompt action of the War Department in dispatching troops reflected honor upon the Government.—Hatch, (C, 64.)

22d.—Rangers under Tobin, about 250, including Captain Kennedy's and the Indianola company, "again started out to exterminate Cortinas," but were not successful, (D, 6.)

23d.—"The Cortinas affair is over."—Twiggs, (C, 73.)

23d.—Cortinas proclaims, "I am ready for the combat," (C, 80.)

23d.—Herald extra: "Cortinas is still carrying on his high-handed outrages." Full particulars, (C, 82.)

25th.—Letter of this date from Brownsville, (C, 84.)

26th.—Editorial on Cortinas's last proclamation, (C, 78.)

28th.—"Nothing reliable from Cortinas."—Twiggs, (C, 73.)

28th.—Reliable gentlemen reported particulars to the President, (C, 74.)

December, 1859.

1st.—Captain James B. Ricketts, First Artillery, wrote from Fort Brown, (C, 76.)

4th.—Commissioner Navarro reported that on this date Major Heintzelman "completely routed Cortinas's force," (A, 9; but see 14th.)

5th.—Major D. D. Vinton reported information obtained through spies, (C, 77.)

5th.—Major Heintzelman, with his command of five officers and one hundred and seventeen men of the Regular Army, entered Brownsville. In Fort Brown were Captain Ricketts and forty-eight men of the First Artillery, (D, 7.)

6th.—Captain Tobin, with about one hundred and fifty rangers, placed himself under Major Heintzelman's command, (D, 7.)

10th.—"Cortinas has two hundred and fifty men from Mexico, and is in a stockade nine miles above Brownsville," (C, 86.)

14th.—Return of troops of the Brownsville expedition, (D, 74, or C, 91.) Regulars, aggregate, 165; Captain Tobin's company Texas Rangers, 65; Captain Tomlinson's company Texas Rangers, 35; Captain Hampton's company Texas Rangers, 20.

14th.—Expedition moved against Cortinas's bands, and "routed his camps," (C, 87, 89.)

15th.—Expedition returned to Fort Brown, (C, 87.)

16th.—Re-enforcements of regular troops ordered to Brownsville by department commander, (C, 88.)

19th.—Scouts reported "no signs of any of Cortinas's people," (C, 96.)

21st.—Expedition left Fort Brown with additional forces, viz, (C, 97:) Major Ford's company of Texas Rangers, 55; Captain Herron's company of Texas Rangers, 30, (D, 72.) The enemy was routed, and Major Heintzelman reported "the whole country is laid waste. * * In

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Rio Grande City Cortinas plundered the stores and murdered several Americans," (C, 98.)

27th.—Cortinas's band supposed to be broken up, (A, 9.)

27th.—Field return of expedition, (D, 72.)

28th.—Re-enforcement referred to on 16th ordered relieved from the operations of the order of that date, (C, 98.)

30th.—"No more definite intelligence as to the whereabouts of Cortinas," (C, 99.)

January, 1860.

12th.—Major Tobin ordered by State commissioners to Brownsville. His command to be mustered out, (C, 116.) It was "without organization, muster-rolls, or anything like discipline," according to the commissioners' report to the governor, (A, 10.)

12th.—The State commissioners asked advice of Major Heintzelman concerning the muster-out of Tobin's Texas volunteers, (A, 6.)

13th.—Evidence of depredations committed by Cortinas's bands, (C, 123, 127, 128, 129, 130.)

15th.—Heintzelman reported:

> The country is full of all sorts of rumors about Cortinas, but they do not merit repeating. Thus far I have not been able to ascertain of there being any force embodied, or even of his having been on this side of the river since the day of his defeat, (C, 105.)

21st.—Major Heintzelman reached Fort Brown, (C, 106.)

29th.—He reported the condition of affairs and decided to remain at Fort Brown until the country became more quiet, (C, 106.)

31st.—State Commissioner Navarro reported to the governor regarding the situation, (A, 4, or C, 117.)

February, 1860.

2d.—State commissioners asked Major Heintzelman's opinion "as to what force of Texas rangers will, for the present, be necessary to be kept in service for the protection of the frontier," (C, 118, or D, 62.)

2d.—Answer to above: "In my opinion, the two companies of rangers now in the service of the State are sufficient. I have but one company of cavalry at my disposal, and this force I consider entirely inadequate for the security of the frontier."—Heintzelman, (C, 118, or D, 62.)

2d.—State commissioners issued special order to John S. Ford, commanding Texas rangers on the Rio Grande frontier: "From and after this date your movements, and the troops under your command, will be directed by Major Heintzelman, or other commanding officer of the United States Army on this frontier. You will therefore obey all orders emanating from such officer," (C, 119, or D, 62.)

2d.—Major Heintzelman acknowledged two volunteer companies of Ford and Littleton as placed under his orders, (C, 115.)

2d.—Also reported: "With Captain Stoneman's company, and two companies of rangers in service of the United States, I am endeavoring to protect the country as far as Ringgold Barracks." Had "received instructions from the commander of the department to collect the names of the killed and ascertain the damage done by Cortinas and his command," (C, 109.)

4th.—Cortinas on the Mexican side fired on Ford's men at La Bolsa; also, upon the steamer Ranchero about half amile above. Ford decided to cross the Rio Grande, (C, 114, or D, 63.)

4th.—Heintzelman instructed Ford, (D, 96.)

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4th.—Some rangers under Major Tobin and Captain Tomlinson were fired upon from the Mexican side, (C, 115.)

5th.—Ford crossed into Mexico; but, upon request of General Garcia, was ordered to return to the Texas side. Garcia was asked to co-operate with United States forces and in putting down the marauders, (C, 113; D, 66.)

5th.—About this time Cortinas retired to La Mesa, six miles back from the river, (C, 137.)

5th.—General Garcia expressed "the strongest desire to do all in his power to arrest Cortinas and break up his forces," (C, 111.)

5th.—Ford recrossed his forces; they and the regulars all camped together, (D, 70.)

6th.—Tomlinson's company kept in service by State commissioners. Detachments from it accompanied Ford to Mexico, (C, 119, 120.)

6th.—Cortinas said to be at Bengos, some ninety miles back of Reynosa, (D, 97.)

6th.—Tobin to the governor reported concerning his command, (C, 119.)

6th.—Maior Heintzelman wrote to the Mexican military commandant at Matamoras, (D, 67.)

8th.—The governor issued "general orders to all Texans in the service" concerning the loss of horses or arms, and the enforcement of discipline, (C, 144.)

9th.—Major Heintzelman exposed the absurdity of "reclamations" made by a Mexican commandant for certain *jacals* burned in Mexico, (D, 97.)

10th.—Additional regular troops placed at the disposal of Major Heintzelman, (C, 112.)

14th.—Texas had at this time in the field "a force supposed to amount to near or quite a thousand men, at State expense," (State resolution, B, 2.)

15th.—The governor, to the Secretary of War, wrote of the deplorable condition of affairs in the State. Indian troubles unexampled in the last ten years, forays from Mexico, and an empty treasury. Apprehended serious results, "should not the Federal arm be speedily raised and extended in behalf of our suffering frontier," (A, 19, or C, 116.)

15th.—State commissioners to the governor reported the causes, origin, and progress of the disturbances on the Rio Grande, (A, 9, or C, 120.)

20th.—The governor to the President, through the Secretary of War, referred to the above report of the 15th, and besought the immediate interposition of the Federal arm in behalf of Texas, (C, 131.)

21st.—The Secretary of War directed the commanding officer at Fort Bliss, Texas, to protect American citizens in the vicinity of that post against the banditti, (C, 131.)

24th.—Colonel R. E. Lee, commanding Department of Texas, ordered to resort to the most vigorous measures for the capture of Cortinas and his band, and, if necessary, to pursue them beyond the limits of the United States, (C, 133.)

24th.—Captain Ford reported:

> Cortinas is not at Mesa at present. He received a notice from Matamoras to enable him to be out of the way when the troops from that point should arrive. They are now almost opposite this camp, and will doubtless report their inability to find the redoubtable bandit general. The same farce was enacted by General Garcia, who, notwithstanding he had an interview with Cortinas, avowed ignorance of his whereabouts, (D, 71.)

28th.—The governor notified: "An officer of great distinction and ability has been dispatched to take command of the Department of

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Texas. Strong reinforcements will be sent into Texas soon, (Annexed paper, 112, or C, 134.)

Major Heintzelman reported on the dates following, viz:

29th.—"Cortinas and his followers have dispersed, and I do not believe that another effort will be made by him to collect a force," (C, 137.)

March, 1860.

1st.—Full statement of operations on the Rio Grande expedition. "Cortinas was now a great man," (D, 2.)

1st.—List of persons killed by Cortinas, (D, 75.)

1st.—Damages accrued, $336,826.21, (D. 13,) or $336,879.21, (D, 77.)

2d.—Colonel R. E. Lee, commanding Department of Texas, directed to "notify the Mexican authorities on the Rio Grande frontier that they must break up and disperse the bands of banditti concerned in the outrages which have been committed for some time past in that quarter upon the persons and property of American citizens; and, further, that they will be held by you responsible for the faithful performance of this plain duty on their part," (C, 134.)

3d.—The colonel was further directed to employ force to break up the banditti on the Mexican side, if the Mexican authorities failed to do so, (C, 134.)

5th.—The President sent to the Senate of the United States a communication from the Secretary of War concerning the hostilities on the Rio Grande, (A, 1.)

7th.—Reports at Fort Brown "that Cortinas is at the rancho of Reystano, a few leagues above, collecting men to cross over; also, that he slept last night in Matamoras." "Orders to cross after Cortinas, and the arrival to-day of company G, Second Cavalry, have created much alarm in Matamoras, and may induce the authorities to act more efficiently," (C, 137.)

8th.—Colonel Harvey Brown was at Brownsville and reported that then "all was quiet on the frontier." The disturbances were believed to be over and Cortinas to have given up the contest and to have retired into the interior of Mexico. Major Heintzelman has officially reported the war to be ended, (C, 139.) The correctness of Colonel Brown's report was doubted, (D, 93.)

8th.—The governor of Texas tendered to the War Department the services of five thousand Texas volunteers, (C, 138.)

12th.—Additional regular troops ordered to Texas, (C, 139.)

12th.—Governor Sam Houston wrote to the President, through the Secretary of War, to vindicate himself from certain misapprehensions, and to obtain, if possible, protection for the frontier, reviewing difficulties past, present, and apprehended, (C, 139.)

12th.—Colonel Lee wrote:

I shall proceed at once to the Rio Grande and use every exertion to put an end to these incursions, if they still continue, (C, 145.)

14th.—The United States authorities to Governor Houston, declined to accept volunteers, and referred to Colonel Brown's dispatch, (paper 115, or C, 145.)

15th.—Copies of correspondence of 28th February, and 8th and 14th March, between the governor and the Secretary of War, sent to the Senate and subsequently printed. (See Senate Document No. 24, first session Thirty-sixth Congress.)

15th.—Colonel Lee wrote at San Antonio: "I take my departure this morning for the Rio Grande," (D, 14.)

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18th.—United States troops operating in Mexico, (D, 79, 80, 81.)

20th.—All quiet in the section of country near Fort Duncan, (D, 82.)

21st.—The United States troops returned to the Texas side. Cortinas at Reynosa, (D, 82.)

24th.—Major Tobin, of the volunteers, wrote a report to the governor concerning Texas troops that accompanied the regulars into Mexico. (D, 99.)

26th.—Colonel Harvey Brown, at Fort Brown, set forth the correctness of his former report and wrote a detailed statement of the difficulties. Pronounced newspaper reports unreliable, &c., (C, 147.)

April, 1860.

2d.—Colonel Lee notified the Mexican authorities of his authority and of their responsibility, (D, 84, 102; for reply, see D, 104.)

7th.—He also specially notified the civil and military authorities at Reynosa, (D, 85.) They replied on the 10th, (D, 101.)

9th.—He issued an order directing his subordinate officers to see that the Mexican authorities fulfilled their obligations, (D, 88.)

11th.—He, having descended the left bank of the Rio Grande, "found the frontier on the river quiet," (D, 83.)

11th.—The governor expressed a desire that the rangers on the Rio Grande should remain under Colonel Lee's orders, provided the General Government would assume their payment and subsistence, (D, 88.)

Colonel Lee wrote:

I have received no authority from the Secretary of War to receive into the service of the United States any portion of volunteers; and though sorry to part with troops that have performed good and efficient service in the disturbances on this frontier, I am yet unable to retain them on the conditions you propose, (D, 89.)

The correspondence relative to this class shows that several companies of volunteers operated against Cortinas. They were commanded by Thompson, Ford, Herron, Kennedy, Littleton, Tomlinson, and Hampton, and one, in addition to these, perhaps, was called the Indianola company.

Claims are submitted for only two companies, and from the vouchers they appear as follows:

1. Captain J. H. Hampton's, thirty-seven men, mustered in by Tobin. twenty-eight on 12th November and nine on the 18th December, 1859: all mustered out January 1, 1860. Concerning the nine men, a pencil-note, which appears on the roll, reads: "By reference to Captain Littleton's first muster-roll it will be seen that these men are placed thereon for the same time of service, consequently they should not appear on this roll." Littleton's roll is not submitted.

2. Captain H. W. Berry's, forty-seven men, mustered in by Tobin, November 10, 1859; mustered out December 20, 1859; organized at Victoria. This company is not referred to in the correspondence above noted.

17th.—"The last reliable account of Cortinas was that he was retiring farther into the interior of Mexico. He had with him his family and two men, and was more than one hundred miles from the frontier. General Garcia informed Major Heintzelman, on the 13th instant, that orders had been given by the Mexican authorities to arrest him (Cortinas) wherever found," (D, 100.)

The origin of the Cortinas difficulties is accounted for as follows:

"The origin of the difficulty is owing to a falling out between parties mixed up with private affairs, and is so complicated that it is difficult to ascertain the truth, no

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doubt much exaggerated, and not improved by demonstrations on the part of some rangers and citizens who have effected nothing as yet."—Ricketts, December 1, 1859.* (C, 76.) Captain Ricketts was the first United States commandant who arrived at Brownsville, after the disburbances commenced.

CLASS IX.

Indian depredations 1860.

February 3, "animals of residents in the immediate vicinity of Camp Colorado, driven off."

Night of the 17th, "mule yard at Camp Cooper, over which a sentinel was posted, was broken in and the whole herd driven off. Twenty-three of the animals were recovered by a party sent at daylight in pursuit, but the remainder, forty mules and three horses, were not overtaken. The force at the post was so much reduced by scouts then out that the detachment sent under Lieutenant Love, adjutant of the regiment, was principally composed of the band. The following night all the animals from the Indian agency, two or three miles distant from Camp Cooper, were stolen." * * * "A citizen residing within two miles of Fort Mason was shot, within one hundred yards of his house, by three Indians on foot." * * * "The troops in the department are posted over a long line of frontier, and yet, from the paucity of their numbers, are unable to protect the settlements." (R. E. Lee, page 135, House Executive Document 52, first session Thirty-sixth Congress.)

On the 7th of this same month "there came fifteen Indians into the neighborhood of Robert Martin, attacking several families, which were defended by brave spirits of the frontier." The Indians, however, killed two women and took two more away as captives. The latter subsequently made their escape, "and reached the settlements entirely naked." (See pages 8 and 9, House Report No. 535, of the Committee on Indian Affairs, first session Thirty-sixth Congress.)

March 8, Major Van Dorn, at Fort Mason, wrote concerning reports of Indian depredations committed in that vicinity, and referred to the reduced force under his command and to their inefficiency for service. (Page 79, House Executive Document No. 81, first session Thirty-sixth Congress.)

March 9, the governor issued an order that "the chief justice of each county in danger from the Indians will organize a minute-detachment in his county," to protect the inhabitants of their respective counties from Indian incursions. (Page 143, House Executive Document No. 52, first session Thirty-sixth Congress.)

March 12, the governor explained his position in relation to calling out volunteers, and wrote:

I cannot but urge most earnestly the calling out of a regiment of rangers by the Federal Government to protect the lives and property of our citizens. (Ibid., 139—142.)

By an act of Congress approved April 8, 1858, a regiment of Texas volunteers was authorized; but, as an appropriation for the support of such an organization did not appear, that force was not raised. Hence the correspondence in relation to an appropriation sought in 1859, found in papers 98 to 102, hereunto annexed.

April 13, E. W. Cave, secretary of the State, wrote to Hon. John Hemphill:

Notwithstanding the fact that we have now in the field a minute-detachment in almost every frontier county, the depredations continue.

* We have come to the conclusion, from our observation and from testimony of divers persons, that the difficulty was originally occasioned by a private feud between Juan Nepomuceno Cortinas and sundry individuals of the county of Cameron, (C, 120, 124, State Commissioners' report; also, C, 136.)

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The utmost vigilance is kept up; active scouts are continually out in about twenty counties, besides the force which has been sent from the interior, but Indians still are seen and losses are daily reported.

About five hundred men will make an expedition against the Indians, starting from Fort Belknap on the 1st of May.

Texas has now over one thousand men in the field. The treasury will not hold out long if this drain upon it continues.

* * * * * * *

The people look to Congress for aid. (See page 105, House Executive Document No. 81, first session Thirty-sixth Congress.)

April 14, Governor Houston wrote a lengthy communication to the Secretary of War, dwelling upon the efficiency of Texas rangers when operating against Indians, showing his views of the necessity for their employment, and informing the General Government that the State at that time employed the following, viz:

23 detachments of 15 men each, with a reserve of ten men each, force	575
3 companies of 70 men each, force	210
4 companies of 40 men each, force	160
4 companies of 90 men each, force	360
34 organizations, total force	1,305

He deplored the misfortunes of the bleeding frontier, and stated:

Believing that when the facts are presented to Congress, the dictates of humanity will rise above all party or personal considerations, I yet look for aid from that quarter. The American heart must feel for a people of like race and kindred; and though sectional considerations may prevail at times, they will, I believe, be forgotten when the catalogue of barbarities, by which our frontier has been devastated, is remembered. (*Ibid.*, 90-95.)

Notwithstanding the statement above, that thirty-four organizations, making an aggregate force of one thousand three hundred and five men, were employed during the times referred to in this class of facts, yet, upon turning to the vouchers or rolls submitted by the State, only one company appears. It is reported as follows:

Officers and enlisted men.	Aggregate force.	Enrolled or mustered in.	Discharged
Captain Ed. Burleson	1	Bet'n Jan. 1 and June 1, 1860.	Sept. 7, 1860
First Lieutenant J. E. McCord	1	....do	Do.
Second Lieutenant James Carson	1	....do	Do.
Surgeon J. G. Burbec	1	....do	Do.
Enlisted men	75	....do	Do.

It is stated on the roll that this company was called into the service of the State by order of Governor Houston. Nothing further concerning the history of this company, or of the thirty-three organizations necessary to make the total employed, appears in the evidence found.

THE ACCOUNTS.

The foregoing remarks exhibit the character of the troops and the circumstances under which they were employed; also, a history of their services, so far as the facts are ascertained.

With a view to a settlement of a part of the claims now under consideration, preliminaries were entered into before the rebellion existed:

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and, in order to show how far they were advanced, a speedy review of certain facts is necessary.

A resolution of the legislature of Texas, approved November 23, 1857, inaugurated the project of seeking from the United States re-imbursement of expenditures made by the State on account of its rangers or volunteers. (See paper 79.)

The State comptroller prepared a statement 18th of September, 1858, showing the following amounts appropriated:

Paid	$148,998 75
Assumed by State	35,545 76
Making the claim	184,544 51

all "for the pay, subsistence, and forage of volunteer troops called into service for the protection of the frontier since the 28th day of February, 1855." (See pages 44–47, House Executive Document No. 27, second session Thirty-fifth Congress.) The governor inclosed this statement to the Secretary of War on the 8th of October, 1858, and sought re-imbursement to the State. (Paper 92.)

The claim having reached the Capitol, the committees in Congress, to whom it was referred, called upon the Secretary of War for official information concerning the troops. Several attempts appear to have been made to furnish in return "a copy of everything" connected with the case. (See papers 98–102, 116.)

On the claim above referred to a favorable report was made by the House Committee on Military Affairs January 28, 1859, apparently ignoring the fact that the six companies that were under General Smith had already been paid by the United States Government for the time subsequent to muster into United States service. (See No. 143, Reports of Committees, second session Thirty-fifth Congress.)

An act of Congress shortly appeared, approved March 3, 1859, to re-imburse the amount paid by the State on account of the six companies called out by General Persifer F. Smith. (Stat., 10.) As that act could not satisfy more than one-third of the claim the matter was again agitated during the first session of the Thirty-sixth Congress, and caused some correspondence. (See papers 113, 114, and 116.) Then appeared section 6 of the act of June 21, 1860, specifying that "all moneys advanced by the State of Texas in payment of volunteers called out in defense of the frontier of that State since the 28th of February, 1855," shall be re-imbursed; "*Provided*, the Secretary of War shall be satisfied that there was necessity for calling out these troops, or that they were called out by competent authority, and that the amount so claimed was actually paid by the said State, and that the amount hereby provided for shall not exceed the sum of ..... $123,544 51"

This amount was specified because the appropriation of March 3, 1859, for the six companies, covered the sum of	61,000 00
And these two amounts taken together made the total claimed	184,544 51

This Department called upon the State authorities for a full statement of the account, sustained by original vouchers. (See paper 117, September 11, 1860.)

Regarding the proviso to section 6, act of June 21, 1860, Secretary Floyd decided that he was "satisfied that there was a necessity for calling out the Texas volunteers mentioned," and he instructed the

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Second Auditor to audit the State claim as soon as the proper vouchers were received by him. (See paper 118, of November 15, 1860.)

The Second and Third Auditors submitted their reports upon charges in the claim pertaining to their offices, respectively, under date of February, 1861. The Auditors objected to the character of the vouchers and called for additional evidence or information, and their reports were approved by the Secretary of War during the same month. (See papers 121 and 122.) The State comptroller asked the return of all the papers in the case on the 23d of February, 1861, and nearly all of them were returned. (See papers 123, 124.) The breaking out of the rebellion shortly put an end to further negotiations, and for ten years the papers were buried as archives of the State.

In 1871 they were resurrected, and the annexed papers (127–135) show that the official action taken on the case under the last presentation.

The claim upon which congressional legislation was had up to 1861, amounted to		$184,544 51
The abstracts now submitted have dropped this total appropriated by the State, and instead have taken up the amount paid therefrom, viz:	$152,274 66	
To this has been added amounts not heretofore considered, viz:		
For payments to companies of Bourland, Brown, and Ford	57,382 33	
And for advances made for services on the Rio Grande	13,354 77	
Thus increasing the former claim by this amount		38,467 25
And making the total of the present claim		223,011 76

Passing to the accounts, let them be audited with suppositions of the following:

First. That a law authorizes their settlement on just and equitable principles.

Second. That proof of loyalty is waived by an act of Congress.

Third. That the decision given concerning the necessity for calling out the troops referred to in the first claim is satisfactory.

With these suppositions adopted the accounts correctly audited under existing rules will show the following:

CLASS I.

On the 14th January, 1856, the State appropriated $61,000 on account of the six companies of volunteers called out by General Persifer F. Smith, of the United States Army.

On the 18th September, 1858, in rendering an abstract of the expenditures made from the amount appropriated, the State comptroller represented that these companies were called into service on the date when they were mustered into the service of the United States; and from said abstract, as printed on pages 44 to 47 of Executive Document No. 27, (H. R.) Thirty-fifth Congress, second session, it would at once be inferred that the State paid these companies for the identical time they were in the United States service, and for which, I have stated heretofore, they

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had been already or (up to the 30th June, 1859) were being paid by the General Government.

Upon referring to the papers accompanying the claims filed, it is found that the State paid for expenses alleged to have been incurred prior to the said time, as an analysis of the accounts will now show:

Captain Giles S. Boggess's company.

Voucher.

1. G. S. Boggess, pay and allowances as captain for three months. Dates of service not stated. Payment made April 1, 1856. Amount..... $383 10

On the 4th of February, 1856, Boggess was appointed agent to pay the members of his company who were mustered into State service November 2, 1854, under a requisition from General Smith, they to be paid at the same rate per month "as they were afterward paid by the United States while in their service."

In the written instructions, given to this agent by the governor of Texas, the following appears:

"Any assignment from any member of said company of his pay which does not show on its face that the assignor knew at the time of its execution that he was entitled to three months' pay from the State will only be recognized as conveying to the assignee the pay due the assignor for the time he was actually in the service of the State, which time of service was, for the members of your company, one month and twenty-one days." (See paper No. 66.)

From these instructions it is inferred that the members of the company had claims against the State for a time when they were not in any service, which time was prior to the date of General Smith's call of November 1, 1854, and that if any individual, unfortunately for himself, overlooked such claims, then he was to be paid only for the time intervening between the date of call (or the date when the organization was accepted by the governor) and the date of muster into United States service, *i. e.*, one month and twenty-one days, because that was the time he was "actually in the service of the State."

It is remarkable, however, that not one of the members overlooked the importance of making a full claim, or that, if he did so, his friend, who was captain, paymaster, and agent, did not; for, with powers of attorney from twenty-seven members of the company, the captain set out by drawing three months' pay and allowances, and every member followed in his wake. As a general rule, the United States Government pays only for services rendered or for the time a person or party is actually employed in its service. As General Smith's call was made on the 1st of November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn is that the United States Government is responsible for the pay and allowances accruing to the members of this company and for expenses properly incurred on its account from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call. In view of the foregoing facts, this amount being for services for one month and twenty-one days immediately prior to December 23,* 1854, should be allowed..... 216 75

The balance claimed on this voucher, including 60 cents overcharged on servants' clothing, being an improper charge against the United States, should be disallowed..... 166 36

2. C. J. Garrison, second lieutenant.....$338 10

As on voucher 1, except that this amount should be allowed..... 191 25

and this disallowed..... 146 85

3. Eli Wood, first lieutenant.....$323 10

As on voucher 1, except that this amount should be suspended for want of the name and description of the officer's servant..... 182 75

And this disallowed..... 140 35

4. Pay-roll of enlisted men:

Dates of service not stated..... $6,355 10

Add for error, in addition..... 77 10

Amount of voucher..... 6,432 20

*Date when mustered into the United States service.

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Voucher.

Item 1. William C. Wright, first sergeant $104 50
Item 2. J. W. Shelton, sergeant 95 50
Item 3. P. G. Whetstone, sergeant 95 50
Item 4. R. W. Hall, sergeant 95 50
Item 5. J. T. Rankin, corporal 83 10
Item 6. Alex. Earp, corporal 83 10
Item 7. George S. Powell, corporal 83 10
Item 8. James L. Powell, corporal 83 10
Item 9. G. W. Jones, bugler 80 50
As on voucher 1, except that this amount shoul l be allowed $455 36
And this, disallowed 348 58
Item 10. J. F. Walker, bugler $80 50
Not receipted; amount not embraced in total charged; no action required.
Items 11–52, 54, 55, and 57–85 are for pay and allowarces for seventy-three privates, at $77.10 each $5,628 30
As on voucher 1, except that this amount should be allowed 3,189 37
And this, disallowed 2,438 93

5. G. S. Boggess, services as paymaster or agent, for paying off volunteers, dates of service not stated, 5 per cent. commission for disbursing $15,114 ..... $755 70
A copy of the appointment of Boggess is filed. It states that on a settlement of his accounts with the comptroller, a "reasonable compensation" will be allowed. No receipt is submitted, but a certificate of the comptroller states, under date of February 28, 1860, "receipt of Giles S. Boggess for the above amount of $755.70 is on file."
The expense of employing an agent to pay these troops for services after November 2, 1854, was a contingency necessarily coupled with their employment; therefore this voucher is admissible for 5 per cent. on the amount favorably considered by the United States on payments made by Boggess for or on account of his and Walker's company, as the paymaster's duties specially pertained to said companies. The amount found admissible is $6,511.53, and the per cent. thereon is a proper charge, but should be suspended for want of a proper receipt and until the vouchers paid by him are perfected 325 58
The balance charged on this voucher, being an improper charge against the United States, should be disallowed 430 12

6. Thomas M. Likens, services rendered the State of Texas in raising and mustering into service a company of rangers in the year 1854.. $50
The charge is indefinite as to the time and company. Dates of service and rate of compensation are not stated, and the necessity for the expense is not apparent. The amount should be disallowed 50 00

7. O. B. Wade, two and one-half months' service as acting assistant surgeon, at $100 ..... $250 00
The receipt is informal. Orville B. Wade was a private in Boggess's company, and the charge for him was considered as item 85, of voucher 4. This amount should be disallowed 250 00

8. Andrew J. Miller, services as contract physician for Boggess's company, from November 2 to 17, 1854, fifteen days, at $100 per month $50 00
The original contract is filed, accompanied with a receipt of John C. Miller, as administrator of A. J. Miller, deceased. The charge is reasonable and rests within the scope of time for which re-imbursement of pay and allowances, on account of this company, is suggested, and, if that suggestion shall be favorably considered, this amount should be allowed 50 00

9. N. W. Ray, three months' extra duty, pay as blacksmith and farrier $36 00
This man's name is found in item 11 of voucher 4.
The duty above mentioned was that for which he was borne upon the roll, not extra duty, but regular duty.
This amount, being an improper charge, should be disallowed 36 00

10. D. M. Fields, 36 bushels corn, furnished for the companies of Captains Boggess and Fitzhugh on the 2d December, 1854; price per bushel, $1.75 ..... $63 00
In connection with this charge, the following appears in a report dated Treasury Department, Third Auditor's Office, February 23, 1861, viz:
"The circumstances of the raising, organizing, and muster into service of the above six companies are set forth in my report to the Sec-

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Voucher.

retary of War upon the claim of S. M. Swinson, of Austin, Texas, dated June 5, 1855, which is submitted herewith.

"That claim was under a contract, dated October 30, 1854, with E. M. Pease, governor of Texas, for supplying said companies with subsistence, forage and medicines, camp equipage, stationery, ammunition, and transportation, from the date of said contract until the companies were mustered into the service of the United States, and was paid through this office in June and August, 1855, amounting to $20,990.69.

"Of course, any part of the present claim of the State for supplies that were furnished said companies to the extent they were entitled to, according to existing regulation, ought not to be allowed."

"Approved.

"J. HOLT, *Secretary of War.*"

	In view of the foregoing decision, this amount should be disallowed..		$3 33 00
11.	M. J. Brinson, wagon and team employed from 1st to 22d December, 1854, transportation of baggage for Boggess's company, 22 days, at $7 per day	$154 00	
12.	George W. Sevier, December 3, 1854, 36 bushels corn, at $1.50	54 00	
	George W. Sevier, December 3, 1854, 600 pounds beef, at 4 cents	24 00	
	As on voucher 10, should be disallowed		232 00
13.	Giles S. Boggess, for transportation of company baggage from rendezvous to Austin, place of muster, two teams 15 days, at $6 each	$180 00	
	This charge, being for expenses incurred prior to November 1, 1854, should be disallowed. (See also remarks on voucher 10)		180 00
14.	J. B. Stephen, December, 1854, 36½ bushels corn, at $1.25	$45 62	
15.	Silas Baggart, December, 1854, 36¾ bushels corn, at $1.25	45 95	
15.	Silas Baggart, December, 1854, 130 pounds meal, at $1.25 per bushel	3 30	
16.	E. H. Harrington, December, 1854, 36½ bushels corn, at $1.50,	54 75	
17.	B. D. Arnold, December, 1854, 5 bushels meal, at $1.20	6 00	
18.	S. P. Ross, December, 1854, ferriage	24 30	
18.	S. P. Ross, November, 1854, ferriage	35 00	
19.	E. Linkenhoger, December, 1854, 36½ bushels corn, at $1.25	45 62	
19.	E. Linkenhoger, December, 1854, 7 bushels meal, at $1.25	8 75	
19.	E. Linkenhoger, December, 1854, 200 pounds beef, at 5 cents.	10 00	
20.	J. D. Blair, December, 1854, 36½ bushels corn, at $1.25	45 62	
20.	J. D. Blair, December, 1854, 215 pounds beef, at 10 cents	21 50	
21.	J. S. Blair, December, 1854, 15 bushels meal, at $1.25	18 75	
22.	M. L. Durham, November 26 to December 13, 1854, soap, $9.50; vinegar, $15.75; rice, $19.12; and candles, $9.50	53 87	
22.	Mr. L. Durham, December 10, 1854, 474 pounds beef, at 5 cents	23 70	
22.	Mr. L. Durham, December 10, 1854, 73 bushels corn, at $1.15.	83 95	
23.	Simeon Mixon, December 7, 1854, 36½ bushels corn, at $1.50..	54 75	
23.	Simeon Mixon, December 7, 1854, 445 pounds beef, at 5 cents.	22 25	
24.	W. Ferrel, December 1, 1854, 38 bushels corn, at $1.25	47 50	
25.	M. T. Johnson, December 1, 1854, 187½ bushels corn, at $1.50.	281 25	
	1,404 pounds beef, at 5 cents	70 20	
	40 bushels meal, at $1.50	60 00	
	201 pounds coffee, at 30 cents	60 30	
	298 pounds sugar, at 18 cents	53 64	
	140 pounds salt, at 8 cents	11 20	
	7 pounds candles, at 70 cents	4 90	
	14 pounds soap, at 30 cents	4 20	
	As on voucher 10, should be disallowed		1,196 87
5.	(In part.) M. T. Johnson, December 1, 1854, for 3¾ pounds horse-shoe nails, at 50 cents	$1 87	
	Certified to by lieutenant as quartermaster.		
	Comptroller of State, in March, 1860, certified that receipt for amount was on file in his office at that time. Said receipt is not submitted; otherwise this is a proper charge, but should be suspended for want of a proper receipt		1 87
6.	S. McElrath, services as private, formed item 53 of voucher 4, not there paid	$77 10	
7.	C. H. Morrell, services as private; formed item 55, voucher 4, not there paid	77 10	

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Voucher.

The State comptroller, February 29, 1860, certified that receipts for the amounts paid these men were then on file in his office. Said receipts are not produced; otherwise the remarks on voucher 1 are applicable to these vouchers, except that this amount should be suspended for want of proper receipts $87 38
And this disallowed 66 82

John G. Walker's company.

1. Pay-roll of officers and enlisted men, dates of service not stated $6,392 20

Receipts for the amounts alleged to have been paid on this voucher do not appear. Their absence is explained by an affidavit, in which Giles S. Boggess, paymaster, swears that the original muster-roll of John G. Walker's company was either stolen, taken out of his possession without his knowledge or consent, or lost, since which time he has not seen or heard of it; that the voucher upon which this affidavit is written contains a true statement of the number of men and their names composing the said John G. Walker's company at the time the muster-roll was lost; also the amounts paid and amounts still due as set down opposite each name; and that this voucher is, to the best of his knowledge and belief, a faithful copy of said lost roll. An act of the legislature of Texas, approved August 25, 1856, for the relief of Boggess, (see paper 138,) authorized a settlement to be made with him upon his presenting, under oath, to the State comptroller the facts above set forth, with a copy of the lost roll or voucher, said voucher, when so submitted, to be received in lieu of the original roll, and the amount returned by said Boggess as paid to be passed to his credit upon the books of the comptroller's office.

In the act measures were adopted to guard against fraud, and the conditions upon which Boggess was to find relief were complied with by him.

Item 1. John G. Walker, pay and allowances as captain for three months $383 10

Remarks.—On the 4th February, 1856, Giles S. Boggess was appointed agent to pay Walker's company at the same rate per month as "they were afterwards paid by the United States while in their service."

In the written instructions given to this agent by the governor the following appears:

"Any assignment from any member of said companies of his pay which does not show on its face that the assignor knew at the time of its execution that he was entitled to receive three months' pay from the State will only be recognized as conveying to the assignee the pay due the assignor for the time he was actually in the service of the State, which time of service was, for the members of Captain Walker's company, one month."

Upon referring to the remarks for voucher 1 for Boggess's company, it will be understood why the governor considered this company (Walker's) entitled to pay for only one month. The reason was because he believed that this, and no more, was the time it was "actually in the service of the State," though it seems he made an error of one day in favor of the company.

As a general rule, the United States Government pays only for services rendered or for the time a person or party is actually employed in its service. As General Smith's call was made on the 1st November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn is that the United States Government is responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

Powers of attorney, filed in connection with payments made for members of this company, are, in several instances, informal, in this, that they are not witnessed as required by law, and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities, and, therefore, this objection should be waived.

Conclusion.—In view of the facts herein found, this amount, being for services for twenty-nine days immediately prior to December 1,

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Voucher.

1854, is admissible, but should be suspended for want of a description of the officer's servant and for a proper receipt $123 25
The balance claimed on this item, including 60 cents overcharged on servant's clothing, being an improper charge against the Government, should be disallowed 259 85
Item 2. T. H. Garrett, first lieutenant..... $323 10
For the reasons set forth in the remarks for item 1, above, this charge for three months' service is admissible only for the twenty-nine days immediately preceding December 1, 1854. A proper receipt for the money is filed and the officer's servant is described.
This amount should be allowed 103 92
And this, including 60 cents overcharged on servant's clothing, being an improper charge, should be disallowed 219 18
Item 3. Mercer Fain, second lieutenant..... $308 10
Remarks and conclusion, as on item 1, except that this amount should be suspended..... 99 08
And this disallowed 209 02
Item 4. P. H. Work, first sergeant $104 50
Item 5. H. B. Pedigo, sergeant..... 95 50
Item 6. J. B. F. McCartney, sergeant 95 50
Item 7. L. B. Wood, sergeant..... 95 50
Item 8. M. J. Bean, corporal..... 83 10
Item 9. William F. Scott, corporal 83 10
Item 10. In part, Pleasant Wright, corporal..... 27 70
Item 11. H. H. King, corporal..... 83 10
Item 12. B. K. Riggs, bugler 80 50
Item 13. F. J. Garrett, bugler 80 50
Item 14. T. M. Burke, farrier and blacksmith..... 77 10
Remarks as on item 1.
Conclusion.—This amount should be suspended for want of proper receipts 309 82
And this, being an improper charge against the United States, should be disallowed..... 596 23
Items 17, 18, 20, 21, 22, 24, 25, 26, 29, 30, 32, 33, 34, 36–52, 54, 55, 56, 57 in part, 59, 60 in part, 61–75, 76 in part, and 78–82, for services of fifty-seven privates..... $4,240 50
Remarks as on item 1.
Conclusion.—This amount, being for 57 privates, at $24.84½ each, should be suspended for want of proper receipts..... 1,416 07
And this, being an improper charge against the United States, should be disallowed..... 2,824 43
Items 16, 23, and 58, for services of three privates..... $231 30
As the names of the men charged for do not appear on rolls signed by mustering officers, this amount, being an improper charge against the United States, should be disallowed 231 30
Items 19, 27, 28, 31, 53, 60 in part, 76 in part, 84 and 85, represented to have been paid by the State treasurer, are deducted; and items 28½, 35, 77, and 83 are not charged on the roll; therefore, no action is here required on them.
2. Wright, Pleasant, corporal; balance of pay and allowance.... $55 40
Favorable consideration having been given for the time this man actually served, prior to December 1, 1854, (see voucher 1, item 10,) this amount is an improper charge against the Government, therefore should be disallowed 55 40
3. Bird, Milton, private, pay and allowances for three months .. $77 10
4. Click, E. S., private..... 77 10
5. Close, E. S., private 77 10
6. Dye, John, private 77 10
7. Lyons, L. P., private 77 10
Remarks as on item 1, voucher 1.
Conclusion.—The State comptroller certified in February, 1860, that the receipts of these parties were then on file in his office. Said receipts are not produced. This amount should be suspended for want of proper receipts..... 124 22
And this, being an improper charge, should be disallowed..... 261 28
8. McKenzie, G. W., private, balance of pay..... $51 40
9. Waldert, Edward, private, balance of pay 51 40
As on voucher 2, except in these cases, see items 60 and 76 of voucher 1, should be disallowed..... 102 80
10. Wilburn, F. G., private, pay and allowances for three months. $77 10
11. Yarborough, William H., private..... 77 10

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Voucher.

Remarks and conclusion as on vouchers 3 to 7, except that this amount should be suspended $49 00
And this disallowed 104 51

12. James R. Arnold, pay for services for enrolling, organizing, and mustering Captain Walker's company $50 00

The State comptroller certified February 28, 1860, that "receipt of William C. Pollock, attorney, for the above amount of $50 is on file." Said receipt is not produced.

Governor Pease indorsed on the back of the voucher, August 16, 1856, "General R. Arnold was appointed by me to enroll the company of volunteers that was mustered at Nacogdoches in October, 1854, under the call of General P. F. Smith, and performed that duty."

General Smith's call was made on the 1st November, 1854, therefore the amount of this voucher, being for services prior to that date, is an improper charge against the United States, therefore should be disallowed 50 00

13. Mercer Fain, services of wagon and team for Captain Walker's company, from the 17th October to 30th November, 1854, inclusive, 45 days, at $6 ..... 270 00

For Captain Henry's company from the 1st December to 13th December, 1854, inclusive, 13 days, at $6. ..... $78 00

Certified to as correct and just by Captains Walker and Henry, and receipted for by A. A. Muncey, attorney. Power of attorney is filed, but is not witnessed, and not attested by the clerk of a court of record. The services alleged to have been rendered prior to November 2, 1854, do not constitute proper charges against the United States, and for transportation furnished subsequent to that date, see remarks for voucher 10, of Boggess's company.

This amount, being an improper charge, should be disallowed 348 00

14. John Twohig, fuel furnished $207 00

The voucher is certified to as correct and just by Captain Walker, commanding battalion Texas mounted volunteers, but dates of service are not stated. Comptroller Johns certified, March 1, 1860, that the receipt of S. M. Swinson, assignee of John Twohig, for the sum of $207, was then on file; said receipt is not submitted. S. M. Swinson was a contractor in connection with these troops. His bills, to the extent of $20,990.69, were paid by the United States in 1855. (See voucher 10 Boggess's company.) The informalities appearing on this voucher are sufficient to insure a disallowance of the amount 207 00

15. James G. Swisher, ferriage for companies of Walker, Travis, and Rogers, November 11, 1854 ..... $28 20

Certified to by assistant quartermaster; approved by State adjutant general.

The State comptroller certified, March 3, 1860, that a receipt for the amount was then on file in his office; said receipt is not submitted. A contractor, Swinson, was bound to furnish transportation for these companies after October 30, 1854, and in 1855 he was paid therefor by the United States. Ferriage is an item of transportation; therefore this amount, being an improper charge, should be disallowed. (See voucher 10, Boggess's company 28 20

16. Orange Wright; services as guide and trader; dates of service not stated $25 00

Captain Walker certified, April 7, 1855, that the services charged for were performed, "amounting to a month's time in all, and while stationed at Fredericksburgh."

The original receipt is not submitted, but Comptroller Johns certified, March 3, 1860, "that the receipt of Orange Wright, for the sum of $25, is on file in said (his) office.

The informalities appearing on this voucher are sufficient to warrant a disallowance of the amount 25 00

17. John Work, surgeon: services rendered to the battalion of Texas mounted volunteers, three months, from 1st November, 1854, $300 00

There is nothing filed to show that he was mustered into service or that he was employed as a contract physician, therefore the amount of this voucher should be disallowed 300 00

W. R. Henry's company.

1. Pay-roll of enlisted men, dates of service not stated $6,074 08

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Voucher.

Item 1.	G. B. Layton, first sergeant, pay and allowances for three months	$104 50	
Item 2.	W. D. Morrow, sergeant	95 50	
Item 3.	W. B. Flemming, sergeant	95 50	
Item 4.	George W. Russell, sergeant	95 50	
Item 5.	R. Augustine, corporal	83 10	
Item 6.	Sanford Brown, corporal	83 10	
Item 7.	Riley Lewis, corporal	83 10	
Item 8.	Leonard Moss, corporal	83 10	
Item 9.	Henry Aloff, bugler	80 50	
Item 10.	B. M. Fleming, bugler	80 50	

Powers of attorney filed in connection with payments made for members of this company are, in several instances, informal, in this, that they are not witnessed as required by law, and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities and, therefore, this objection should be waved. Otherwise the remarks for voucher 2 are applicable to these items, except that this amount should be allowed $412 56

And this disallowed 471 84

Items 11–37, 39–44, 47, 49–52, 54–72, 74–79, and 81–85, for services of 68 privates $4,985 80

As on items 1 to 10, next above, except that this amount, being for 68 privates, at $35.98 each, should be allowed 2,446 64

And this should be disallowed 2,539 16

Items 38, 53, 86, and 87, for services of four privates $203 88

As the names of the men charged for do not appear on the rolls, signed by mustering-officers, this amount, being an improper charge against the United States, should be disallowed 203 88

Items 45, 46, 48, 73, and 80, for the several amounts of which, receipts do not appear, are deducted from the roll, therefore require no action.

2. W. R. Henry, pay and allowances as captain, for three months; dates of service and name of servant not stated; payment made April 15, 1856 ..... 382 50

On the 10th April, 1856, John D. Pitts was appointed agent to pay W. R. Henry's company, "which was enrolled at the town of Goliad, in the month of October, 1854, for three months' service," the members of the company to be paid the same as allowed by law and regulations of the United States to mounted volunteers. In the written instructions given to this agent by the governor, the following appears, (see paper 70:) "You will recognize no assignment from any member of said company as conveying more than his pay for one month and fourteen days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive three months' pay, and intended to convey that amount."

Upon referring to the remarks for voucher 1 for Boggess's company, it will be understood why the governor considered this company (Henry's) entitled to pay for only one month and fourteen days. The reason was because the governor believed that this, and no more, was the time it was "actually in the service of the State," though it seems he made an error of two days in favor of the company.

As a general rule the United States Government pays only for services rendered or for the time a person is actually employed in its service.

As General Smith issued his call on the 1st November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn therefrom is that the United States Government is responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

In view of the foregoing facts it is suggested that this amount, being for services for one month and twelve days immediately prior to December 14, 1854, should be suspended for want of a description of the officer's servant 178 50

The balance claimed on this voucher, being an improper charge against the United States, should be disallowed 204 00

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Voucher.

3. S. A. Jackson, first lieutenant $322 50
as on voucher 2, except that this amount should be suspended..... $150 50
And this disallowed 172 00

4. William Tom, second lieutenant..... $307 50
as on voucher 2, except that here the officer's servant is described, and that this amount should be allowed..... 143 50
And this amount should be disallowed 164 00

5. John D. Pitts, services as paymaster or agent, for paying off W. R. Henry's company; dates of service not stated; 5 per cent. commission for disbursing $7,280.27..... $364 01
A copy of the appointment of Pitts is filed. (Paper 70.) It states that, on a settlement of his accounts with the comptroller, a "reasonable compensation" will be allowed. A receipt for the money is not produced, but a certificate, signed by Comptroller Johns, February 29, 1860, states: "Receipt of John D. Pitts is on file." The expense of employing an agent to pay these troops for services after November 2, 1854, was a contingency necessarily coupled with their employment, therefore this voucher is admissible for 5 per cent. on the amount favorably considered by the United States on payments made by Pitts for or on account of this company. Of the amount paid by him $3,331.70 is so considered, and the per cent. thereon is a proper charge, but should be suspended for want of a proper receipt..... 166 58
The balance charged on this voucher, being an improper charge against the United States, should be disallowed..... 197 43

6. John S. Ford, pay for organizing a company of Texas rangers at Goliad..... $50 00
The charge is indefinite as to time and company, dates of service and rate of compensation are not stated, and the necessity for the expense is not apparent. The amount should be disallowed 50 0

7. James M. Latten, medical attendance on A. W. Sims and A. J. Lee, from November 7 to 20, 1854 ..... $96 00
The two men above mentioned were mustered in as privates of the company. The doctor swears to the correctness of his bill, and it bears the approval of the adjutant general of the State. In the absence of a receipt for the money Comptroller Johns's certificate appears, under date of March 3, 1860, that the receipt was then on file in his office. This voucher duplicates, in part, the charges in voucher 12, and the duplication on this voucher should be disallowed, for the reason that here no approval of a company officer appears. The charges rest within the scope of time for which re-imbursement of pay and allowances on account of this company is suggested. This amount is deemed a proper charge, but should be suspended for want of a proper receipt..... 50 00
The balance, being an improper charge, should be disallowed 46 00

8. Mrs. S. A. Glasscock, for boarding Wyatt Hanks during illness, from November 10 to December 4, 1854 ..... $24 00
Samuel January, during illness, from November 10 to 24, 1854 . 14 00
The State comptroller certified, March 3, 1860, that a receipt for this amount was then on file in his office. Said receipt is not submitted. Hanks having been been mustered into service, the charge for him should be suspended, for want of a proper receipt. (See remarks on voucher 7, above)..... 24 00
As Samuel January's name does not appear on the muster-rolls signed by mustering officers, the charge for him should be disallowed, the same being an improper charge against the United States. 14 00

9. Robert Augustine, services as expressman on or about November 1, 1854, under a contract with Captain Henry $30 00
In the absence of a receipt for the money paid to an attorney on this voucher, Comptroller Johns's certificate appears, under date of March 3, 1860, to show that a receipt was then on file in his office. The power of attorney does not bear the certificate and the impress of a seal of a court of record to show the standing of the justice of the peace who administered the oath. A copy of the contract is not filed. As the man whose services are charged for was borne on the company's roll, and an award for his services has been suggested on voucher 1, this charge should be disallowed..... 30 00

10. William B. Fleming, services as expressman on or about November 1, 1854, under a contract with Captain Henry..... $30 00
In the absence of a receipt for the money paid, Comptroller Johns's certificate appears, under date of March 3, 1860, to show that a re-

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Voucher.

ceipt was then on file in his office. Captain Henry certifies that this expense was necessary to collect his company together. The United States Government should only pay for expenses incurred from the date the company was accepted by the governor of the State, as shown by muster-in rolls, and after that date there was, or should have been, no necessity for the expense charged on this voucher. As the man whose services are charged for was borne on the company's roll, and an award for his services has been suggested on voucher 1, this charge should be disallowed $30 00

11. M. A. Taylor, medical attendance on Wyatt Hanks, November 13 to 20, 1854 ..... $60 00

The physician swears to the correctness of the account and the rates charged, and the voucher bears the approval of a lieutenant, as assistant quartermaster, and of the State adjutant general. The man attended and was mustered into service. Johns's certificate appears in the absence of a receipt. The charge rests within the scope of time for which re-imbursement of pay and allowances on account of this company is suggested, and is considered a proper charge, but should be suspended for want of receipt 60 00

12. A. J. Lott and G. G. Steel, medical attendance from November 8 to 14, 1854.

Isaac Hickman	$27 00
William Lee	28 00
Mr. Simms	20 00

Approved by State adjutant general and by Captain Henry.

Johns's certificate appears in the absence of a receipt.

Isaac Hickman's name does not appear on the company roll, therefore the charge for him should be disallowed 27 00

Lee and Simms were mustered in as privates. This voucher duplicates, in part, the charges in voucher 7 for medical attendance on the same men during the same time. The duplicate charges on that voucher stand disallowed, for the reason that it was not approved by a company officer, and that two physicians for one person at the same time are not admissible under ordinary circumstances. These charges rest within the scope of time for which re-imbursement of pay and allowances on account of this company is suggested, and are considered proper charges, but should be suspended for want of a proper receipt 48 00

13. S. R. Reynolds, horseshoeing in November, 1854—

For Captain Henry's company	$72 50
For Captain Walker's company	39 55
For Captain Rogers's company	7 50
For Captain Travis's company	1 87

The bill for Henry's company is certified to by one of the lieutenants and is approved by the captain. This company had no farrier and blacksmith, and the charges rest within the scope of time for which re-imbursement of pay and allowances on account of this company is suggested. If that suggestion shall be favorably considered, this amount for shoeing horses of men whose names are on the company roll should be allowed 53 75

The balance charged, being for shoeing horses of men whose names do not appear on the company roll, should be disallowed 18 75

The companies commanded by Captains Walker, Rogers, and Travis, each had a farrier and blacksmith, whose duty it was to shoe the animals belonging to the said companies, respectively, and, therefore, the amounts claimed for shoeing done for said companies, being improper charges against the United States, should be disallowed 48 92

14. Joseph Lance, pay and allowances for three months' service .. $77 10
Amount received 61 40

Difference claimed and paid on this voucher 15 70

A certificate is filed as a substitute for a receipt.

As this man was not mustered into the United States service, this is an improper charge against the United States, therefore, should be disallowed 15 70

15. Charles E. Aikins, pay and allowances as private for three months $77 10

A certificate is filed as a substitute for a receipt.

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Voucher.

This man's name does not appear on the company's rolls signed by mustering officers, therefore this amount, being an improper charge against the United States, should be disallowed $77 10

William Fitzhugh's company.

1. William Fitzhugh, pay and allowances as captain for three months, to December 24, 1854; payment made 11th March, 1856..... $383 10

On the 5th February, 1856, James W. Throckmorton was appointed agent to pay William Fitzhugh's company, "which was enrolled at the town of McKinney, in the month of October, 1854, for three months service," the members of the company to be paid the same as allowed by law and regulations of the United States to mounted volunteers.

In the written instructions given to this agent by the governor, the following appears:

"You will recognize no assignment of any member of said company which does not show on its face that the party knew that he was entitled to three months' pay; as conveying a right to any more than one month and twenty-one days' pay. Service all over and above that amount is a gratuity from the State, and should only be paid to the party who rendered the service, unless the said party has assigned it with a full knowledge of his right." (See paper No. 67.)

Upon referring to the remarks for voucher 1 of Boggess's company it will be understood why the governor considered this company (Fitzhugh's) entitled to pay for only one month and twenty-one days. The reason was because the governor believed that this, and no more, was the time it was "actually in the service of the State."

As a general rule, the United States Government pays only for service rendered or for the time a person or party is actually employed in its service.

As General Smith issued his call on the 1st November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn therefrom is that the United States Government is responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account, from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

In view of the foregoing facts, this amount, being for services during the one month and twenty-one days immediately prior to December 24, 1854, should be allowed 216 75

The balance claimed on this voucher, being an improper charge against the United States, should be disallowed 166 35

2. F. M. Dougherty, first lieutenant; dates of service not stated. $323 10.
As on voucher 1, except that this amount should be allowed..... 182 75
And this disallowed 140 35

3. A. J. Trussell, second lieutenant; dates of service not stated. $308 10.
As on voucher 1, except that this amount should be suspended as the officer's servant is not described..... 174 25
And this disallowed 133 85

4. Pay-roll of enlisted men; dates of service not stated $6,666 90

Item 1. John B. White, 1st sergeant, pay and allowances for three months	$104 50
Item 2. John Scanland, sergeant.....	95 50
Item 3. John M. Street, sergeant	95 50
Item 4. William C. Lewis, sergeant	95 50
Item 5. S. G. S. McGarrah, corporal	83 10
Item 6. John O. McIntire, corporal.....	83 10
Item 7. Larkin Ball, corporal	83 10
Item 8. Joshua Gorham, corporal	83 10
Item 9. John J. Miller, bugler.....	80 50
Item 10. Andrew J. Wisdom, bugler.....	80 50
Item 11. William B. Dingle, blacksmith and farrier.....	77 10

The remarks for voucher 1 are applicable to these items, except that this amount should be allowed..... 544 85
And this disallowed..... 416 65

Items 12, 13, 15, 17–27, 29–35, 37–44, 46–50, 52–58, 60–67, and 69–85, for services of sixty-six privates..... $5,088 60

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Voucher.

As on voucher 1, except that this amount, being for sixty-six privates, at $43.69 each, should be allowed $2,883 54
And this should be disallowed 2,205 06
Items 14, 16, 28, 36, 45, 51, 59, and 68, for services of eight privates $616 80
As the names of the men charged for do not appear on the rolls signed by mustering officers, this amount, being an important charge against the United States, should be disallowed 616 80

5 James W. Throckmorton, pay as mustering officer of Captain William Fitzhugh's company, $50. This voucher is simply a requisition made by James W. Throckmorton for the money. It is not approved by any State official, and Comptroller Johns's certificate of February 29, 1860, appears as a substitute for a receipt. The company was mustered in first by the adjutant general, and afterwards by an officer of the Army; therefore this expense was unnecessary, and, being an improper charge against the United States, the amount should be disallowed 50 00

6. James W. Throckmorton, for disbursing $7,731.20 in paying off Captain William Fitzhugh's company of mounted volunteers, at 5 per cent., $386.56. Dates of service are not stated. A copy of the appointment of Throckmorton is filed. It states that on settlement of his proceedings under this appointment a "reasonable compensation" will be allowed. A receipt for the money is not produced, but a certificate, signed by Comptroller Johns, February 28, 1860, states: "Receipt for the amount of $386.56 is on file."
The expense of employing an agent to pay these troops for services subsequent to November 2, 1854, was a contingency necessarily coupled with their employment, therefore this voucher is admissible for 5 per cent. on the amount found admissible by the United States on payments made by Throckmorton for or on account of this company. Of the amount paid by Throckmorton this is favorably considered, $4,002.14, and the per cent. thereon should also be favorably considered, but should be suspended for want of a proper receipt 200 11
The balance charged on this voucher, being an improper charge against the United States, should be disallowed 186 45

7. William W. Payne, medical aid rendered to James Everitt, Captain Fitzhugh's company, from December 16 to December 25, 1854 .$38 00
Everitt's name does not appear on the rolls signed by mustering officers of the Army, and it is not shown that he was a contract physician, therefore the amount of this voucher, being an improper charge against the United States, should be disallowed 38 00

8. R. F. Hodgecoxe, transportation of baggage for Captain Fitzhugh's company from Austin to camp, and return, 24 days, at $6.. $144 00
Dates of service not stated. The remarks on voucher 10, Captain Boggess's company, are applicable to this voucher, the amount of which should be disallowed 144 00

9. F. M. Dougherty, wagon and team employed from the 16th day of October to the 2d of December, 1854, in transporting baggage for Captain Fitzhugh's company, 16 days, at $6 per day $96 00
A certificate is submitted in place of a receipt. As on voucher 13, Walker's company, should be disallowed 96 00

10. Felix McKetrich, 18 days' rations, from November 26 to December 13, 1854: Soap, $5; candles, $5; vinegar, $15.75; rice, $19.12 .... $44 87
As on voucher 8, should be disallowed 44 87

11. T. H. Turney, expenses in the burial of James Everitt, December 25, 1854 ..... $32 00
A certificate appears in place of a receipt. As stated on voucher 7, Everitt's name does not appear on the rolls signed by a mustering officer of the Army, therefore the amount of this voucher, being an improper charge against the United States, should be disallowed ... 32 00

12. Latimer & Swindell, advertising "notice to rangers," February 9, 1856 ..... $15 00
Approved by the governor, to be paid out of the appropriation for the payment of the volunteers mustered in the fall of 1854.
James W. Throckmorton, who paid this expense, was appointed paymaster on the 5th of February, 1856, and instructed to pay this company, which was disbanded in 1855. Directly after the date of his appointment "notices to rangers" appear charged for. In the absence of copies of the notices it is inferred that they were issued

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Voucher.

as a measure necessary to the paymaster's duties. If the suggestion made on voucher 6, in regard to paying these troops, shall be favorably considered, this charge should be allowed.. ..... $15 0

Charles E. Travis's company.

1. Charles E. Travis, pay and allowances as captain for three months. Dates of service not stated, and servant not described. Payment made May 27, 1856 ..... $383 10

On the 1st May, 1856, James H. Raymond was appointed agent to pay Charles E. Travis's company, and he paid the members thereof for three months' service.

As a general rule, the United States Government pays only for services rendered or for the time a person or party is actually employed in its service.

As General Smith issued his call on the 1st of November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn therefrom is that the United States Government is responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

Powers of attorney filed in connection with payments made for members of this company are, in several instances, informal, in this, that they are not witnessed as required by law, and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities, and therefore this objection should be waived.

In view of the foregoing facts it is suggested that this amount, being for services during the twenty-nine days immediately prior to December 1, 1854, is a proper charge, but should be suspended for want of a description of the officer's servant..... 123 3

The balance claimed on this voucher, including an overcharge of 60 cents on servant's clothing, being an improper charge against the United States, should be disallowed..... 259 7

2. G. W. Chapman, first lieutenant. Servant is described..... $323 10
As on voucher 1, except that this amount should be allowed..... 103 3
And this disallowed 219 1

3. J. D. Scott, second lieutenant. Servant not described..... $102 70
As on voucher 1, except that this amount should be suspended..... 99 0
And this disallowed 3 6

4. Pay-roll of enlisted men. Dates of service not stated..... $6,932 23
Item 1. William B. Covington, first sergeant, pay and allowances for three months $104 50
Item 2. D. M. Dean, sergeant 95 50
As the names of these two men do not appear on rolls signed by mustering officers, the amount charged for in the above two items, being an improper charge against the United States, should be disallowed. 200
Item 3. William Webb, sergeant $95 50
Item 4. R. M. White, sergeant 95 50
Item 5. John F. Jones, corporal 83 10
Item 6. J. C. C. Bonner, corporal 83 10
Item 7. W. H. Wood, corporal 83 10
Item 8. F. C. Stewart, corporal 83 10
Item 9. J. N. Hooks, bugler 80 50
Item 10. J. F. Roberts, bugler..... 80 50
Item 11. E. B. Wade, farrier 77 10
As on voucher 1, except that this amount should be allowed..... 247 7
And this disallowed 58 3
Items 12–16, 18–23, 26–40, 42, 44–52, 54–60, 62, 64–84, for services of one sergeant and sixty-four privates..... $5,029 90
As on voucher 1, except that this amount should be allowed..... 1,620 75
And this disallowed 3,409 1
Items 17, 24, 41 and 63, for services of four privates..... $308 40
As on items 1 and 2, the amount of these four items should be disallowed..... 308 4
Item 25. E. T. Everly, private $77 10

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Voucher.

This man's name does not appear on the muster-in roll, but the muster-out roll shows that he "joined as recruit for service December 22, 1854." The amount charged for in the above item, being for services prior to "joining as recruit," is an improper charge against the United States, therefore should be disallowed $77 10

Items 43, 53, and 63, for services of three privates..... $231 30

Not receipted for on pay-roll, therefore this amount should be disallowed 231 30

The correct total of the pay-roll for this company is $6,608.20, or $324.03 less than the amount carried to the abstract; therefore this discrepancy, being an improper charge against the United States, should be disallowed 324 03

5. E. B. Wade, farrier, services as private.....$77 10
For extra services as farrier to company, 90 days, at 18 cents. 16 20

93 30

Paid, as per pay-roll on file..... 77 10

16 20

Comptroller Johns certified, February 29, 1860, that "receipt of Edward B. Wade for said $16.20 is on file." Said receipt is not submitted.

The roll shows that this man was mustered in as farrier and blacksmith. He was not entitled to extra-duty pay for extra services in the business for which he was mustered. This amount should be disallowed 16 20

6. James S. Gillett, mustering into service volunteers at Cameron, 18th October, 1854 .....$50 00

Comptroller Johns certified, February 27, 1860, that "receipt is on file in this office." Said receipt is not submitted. The secretary of state certified, Austin, February 20, 1856, that Gillett was appointed on the 11th October, 1854, to enroll and inspect the volunteers that were to present themselves at Cameron on the 18th October, 1854. This amount for services rendered prior to November 2, 1864, the date of muster into State service, being an improper charge, should be disallowed..... 50 00

7. Ford and Jones, advertisement of pay to volunteers, Captain Travis's company, May 10, 1856 .....$4 50

Certified to as correct by the treasurer, and approved by the governor. Comptroller Johns certified, February 28, 1860, that "receipt for the above amount of $4.50 is on file." Said receipt is not submitted. James H. Raymond was appointed paymaster on the 1st May, 1856, and instructed to pay off this company, which was disbanded in 1855. Directly after the date of his appointment, the services charged for in this voucher, it appears, were rendered. In the absence of a copy of the advertisement, it is inferred that this expense was necessary to enable the paymaster to perform his duties. If the suggestion made on voucher 8 in regard to paying these troops shall be favorably considered, this charge may be admissible, but the amount should be suspended for want of a proper receipt..... 4 50

8. 1st part. James H. Raymond, services rendered as paymaster in paying off Captain Travis's company..... $376 35

Comptroller Johns certified, February 29, 1860, that "Receipt of James H. Raymond for said amount of $376.35 is on file." Said receipt is not submitted.

The appointment of Raymond is filed. It states, "Your compensation for said service will be the same as may hereafter be allowed to the persons appointed to pay off the other companies."

It was suggested to allow the paymasters of other companies a compensation of 5 per cent. on so much of the amount paid by them as should be allowable by the United States. That suggestion, favorably considered, would entertain the same rate of compensation in this case. Therefore, this amount being 5 per cent. on $2,196.87, is considered admissible, but should be suspended, for want of a proper receipt..... 109 84

The balance, being an improper charge against the United States, should be disallowed..... 263 51

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Voucher.

8. 2d part. James H. Raymond, for services rendered as paymaster under appointment of Governor E. M. Pease in paying companies of Captains William Tom, Levi English, and William G. Tobin, expenses included $100 00

This charge being for services rendered in connection with a class of troops to be hereafter referred to, is here disallowed, and will be transferred to class three $100 00

P. H. Rogers's company.

1. P. H. Rogers, pay and allowances as captain for three months, from 8th November, 1855, to 8th February, 1856, payment made March 31, 1856 ..... $383 10

On the 22d March, 1856, A. M. M. Upshaw was appointed agent, to pay P. H. Rogers's company, "which was enrolled at the town of Brenham, in the month of October, 1854, for three months' service," the members of the company to be paid the same as allowed by law and regulations of the United States to mounted volunteers.

In the written instructions given to this agent by the governor, the following appears:

"You will recognize no assignment from any member of said company as conveying more than his pay for one month and twenty-two days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive full three months' pay, and intends to convey that amount." (See paper No. 68.)

Upon referring to the remarks for voucher 1 of Boggess's company, it will be understood why the governor considered this company (Rogers's) entitled to pay for only one month and twenty-two days. The reason was because the governor believed that this, and no more, was the time it was "actually in the service of the State," though it seems he made an error of eight days in favor of the company.

As a general rule, the United States Government pays only for services rendered or for the time a person or party is actually employed in its service.

As General Smith issued his call on the 1st November, 1854, and this company was mustered into State service on the 8th of November, the inference to be drawn therefrom is that the United States Government may be responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account from the 8th day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

In view of the foregoing facts, it is suggested this amount, being for services for one month and fourteen days immediately prior to December 22, 1854, should be allowed 187 0

The balance claimed on this voucher, including an overcharge of 60 cents on servant's clothing, being an improper charge against the United States, should be disallowed 196 1

2. Alexander S. Wright, first lieutenant $323 10

3. E. W. Rogers, second lieutenant 308 10

As on voucher 1, except that this amount should be allowed 308 10

And this disallowed 323 3

4. Pay-roll of enlisted men; dates of services not stated; abstracted for $3,976 58

The roll was made up for $4,967 26

The amount not receipted for is 1,023 23

Showing this amount actually paid, viz 3,944 03

This difference, overcharged, should be disallowed 32 5

Item 1. William M. Bennett, first sergeant, pay and allowance for three months $104 50

Item 2. David Smith, sergeant 95 50

Item 3. Thomas W. Rogers, sergeant 95 50

Item 4. Ezekiel White, sergeant 95 50

Item 5. John F. Kuffington, corporal 83 10

Item 6. In part, Alexander B. Davis, corporal 54 40

Item 7. William M. Kusee, corporal 83 10

Item 8. J. H. Hutchison, corporal 83 10

Item 10. Charles H. Allen, bugler 80 50

Item 11. Jacob Benson, farrier and blacksmith 77 10

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Voucher.

Powers of attorney filed in connection with payments made for members of this company are, in many instances, informal, in this, that they are not witnessed as required by law and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities, and therefore this objection may be waived. Otherwise, the remarks for voucher 1 are applicable to these items, except that this amount should be allowed $430 71
And this disallowed 421 59

Items 12–14, 16–20, 21 in part, 23, 24, 26, 27 in part, 28, 29, 30, 31 in part, 32 in part, 33–41, 43, 44, 45, 47, 50 in part, 51–55, 56 in part, 57, 59, 60 in part, and 61 in part, for services of 42 privates $2,977 80
As on items 1–8, 10 and 11 above, except that this amount, being for 42 privates, at $37.69½, should be allowed 1,583 12
And this disallowed 1,394 68

Items 62 and 64, for services of two privates $113 93
As the names of the men charged for do not appear on rolls signed by a mustering officer, this amount, being an improper charge against the United States, should be disallowed 113 93

Items 6 in part, 9, 15, 21 in part, 22, 25, 27 in part, 31 in part, 32 in part, 42, 46, 48, 49, 50 in part, 56 in part, 60 in part, 61 in part, and 63, for the several amounts of which receipts do not appear, are deducted, therefore require no action.

5. A. M. Upshur, pay for enrolling and organizing Captain P. H. Rogers's company in October, 1854, ... $50 00
This voucher, being a charge for services rendered prior to the date of muster into State service, should be disallowed 50 00

6. A. M. Upshur, services as paymaster, for paying off Captain P. H. Rogers's company—dates of service not stated $299 08
A copy of the appointment of Upshur is filed. It stated that on settlement of his account with the comptroller a reasonable compensation would be allowed.

Comptroller Johns, February 28, 1860, certified that receipt for the above amount of $299.08 was then on file in his office. Said receipt is not submitted.

The remarks for voucher 6 of Fitzhugh's company are applicable to this voucher, of which this amount, $118.37, being 5 per cent. on $2,367.49, favorably considered, is admissible, but should be suspended, for want of proper receipt 118 37
The balance charged on this voucher, being an improper charge against the United States, should be disallowed 180 71

7. Bennett F. Henderson, private. Balance of pay, &c. $32 55
Charles Human, private. Balance of pay, &c. $32 55

8. As allowances for the full time these men were actually in the service of the State have been suggested on items 27 and 31 of voucher 4, this amount, paid on their account, should be disallowed 65 10

9. Andrew B. Eckles, private. Pay and allowances for three months $77 10
Comptroller Johns certified, February 29, 1860, that a receipt for this amount was then on file in his office. Said receipt is not submitted.
As on voucher 1, except that this amount should be suspended for want of a proper receipt. 37 69
And this should be disallowed 39 41

10. Thomas A. Evans, private. Balance of pay $32 55
As on vouchers 7 and 8 (except, in this case, see item 21 of voucher 4,) this amount should be disallowed 32 55

11. George W. Parks, private. Pay and allowances for three months $77 10
As on voucher 9, except that this amount should be suspended 37 69
And this should be disallowed 39 41

12. Samuel A. Terrell, private. Balance of pay $32 55
As on vouchers 7 and 8, (except in this case see item 56 of voucher 4,) the amount of this voucher should be disallowed 32 55

13. A. R. Mott, private. Pay and allowances $77 10
As on voucher 9, this amount should be suspended 37 69
And this disallowed 39 41

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Voucher.

14. T. M. Pettey, private. Pay and allowances..... $77 10
As on items 1 to 11 of voucher 4, except that this amount should be allowed.....
And this disallowed.....
15. E. P. Carver, private. Pay and allowances..... $77 10
16. F. Nordhues, bugler. Pay and allowances..... 80 50
As on voucher 9, except that this amount should be suspended.....
And this disallowed.....
17. Mercer Fain, use of wagon and team six days, at $6, dates of service not stated..... $36 00
18. O. Evans and Hanson, 711 rations subsistence, at 39 cents, from December 15 to 23, 1854, $277.29; seven hundred and eleven rations forage, at 31 cents, from December 15 to 23, 1854, $220.41.....
The remarks on voucher 10, Boggess's company, are applicable to these vouchers, the amount of which should be disallowed.....
19. E. Krauskoff, gunsmith work in November, 1854, Captain Roger's company..... $68 50
Captain Walker's company..... 13 75
Captain Henry's company..... 4 00
The account for Rogers's company is certified to as correct and necessary, by the first lieutenant of the company, and is approved by Lieutenant Garrison, assistant quartermaster, Texas rangers, and is receipted by A. A. Muncey, attorney for Krauskoff. The other accounts are certified to as correct and necessary by Captains Walker and Henry, respectively, but are not receipted. Comptroller Johns certified, March 1, 1860, that the receipt of A. A. Muncey, attorney for E. Krauskoff, for the sum of $86.25, was then on file. Said receipt is not submitted.
If the suggestion made in regard to awarding re-imbursement on account of these troops should be favorably considered, this amount being properly incurred in arming and equipping the same, and being supported by proper vouchers, should be allowed.....
This amount, charged on account of H. Lehman, whose name does not appear on the rolls signed by a mustering officer, should be disallowed.....
And this amount should be suspended for want of proper receipts...
20. Samuel Stone, Captain Rogers's company in November, 1854, ferriage for 5 days..... $30 00
Captain Walker's company, ferriage..... 6 00
Captain Henry's company, November 3 to 23, 1854.
Attention and hospital service rendered to the sick of this company, viz:
Simms, Lee, Hickman, Reyburn, and York, at $25..... $125 00
Boarding six horses..... 60 00
Attention and funeral expenses of Hickman..... 60 00
Ferrying sundry times to and from town..... 10 00
Board and attention of Hanks and horse..... 25 00
280 00

The sub-vouchers are certified to as correct and necessary by the captains and approved by the governor.
The remarks of voucher 7 of Henry's company are applicable to the charges for board and attention to sick on this voucher, of which this amount should be allowed.....
The balance should be disallowed for the following reasons, viz:
The charge on Hanks's account is a duplicate of voucher 8, Captain Henry's account; Hickman's name does not appear on Henry's rolls signed by a mustering officer, and the remarks to voucher 10, of Boggess's company, are applicable to the charges for boarding horses and ferriage, therefore this amount should be disallowed.....

RECAPITULATION. CLASS I.

The abstract for payments made to the six companies calls for..... $50,109 32

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Voucher.

To this should be added, for an error in addition in Boggess's roll, the sum of $77.10, less 25 cents for an error in abstracting voucher 23, same company $76 85

Correct amount of account 50,186 17

which is disposed of, in the foregoing analyses, as follows:

Amount which should be—

Allowed	*$16,283 21	
Suspended	*3,942 14	
Disallowed	29,960 82	
Total		50,186 17

CLASS II.

Callahan's party.

1. J. H. Callahan $409 40

This voucher is simply a receipt for this amount paid the captain for three months' service, viz, from July 20 to October 19, 1855. Items are not stated in detail; the officer's servant is not described; and an excess beyond what was allowed by law and Army regulations appears in this charge. Said excess amounts to $6.90, which should be disallowed $6 90

Any action that will allow re-imbursement of any expenditure on account of this company will favorably consider this amount, subject, however, to suspension until the voucher shall be perfected 402 50

2. William Kyle, second lieutenant $332 72
3. Ed. Burleson, first lieutenant and assistant quartermaster... 408 06

As on voucher 1, next above, except that here the excessive are Kyle $5.22, and Burleson $65.56, which should be disallowed 70 78

The balance, as on voucher 1, suspended 670 00

4. Pay-roll of enlisted men $7,481 68

Items 1 to 83 and 85, for services of 82 men from July 20 to October 19, 1855, and of 2 men from July 20 to October 3, 1855.....$7,390 26

A muster-roll, certified to by Callahan and mustering officer J. D. Pitts, bears the items and receipts pertaining to this amount.

Any action that will allow re-imbursement of any expenditure an account of this company will favorably consider this amount, subject to petty deductions 7,390 26

Item 84, for services of an enlisted man..... $91 42

No receipt appears for this, therefore the amount should be disallowed 91 42

5. Pay-roll for property lost by enlisted men while in Mexico; items 1–22, and 24–29 .....$2,213 00

Each item is supported by an affidavit made by the captain of the company, and the articles and valuation charged compare favorably with remarks on the company-roll.

Remark. Any action that will allow re-imbursement of any expenditure made on account of this company will favorably consider this amount 2,213 00

Item 23. The amount of this has been deducted from the claim, therefor requires no action.

5. Made up of various items, to be dealt with separately.

Item 1. John Riley, 326 bushels of corn, at $1.10, October 11, 1855 ..... $358 60

This bill, approved by Captain Callahan, bears the certificate of Lieutenant Burleson, assistant quartermaster, that the corn was delivered and that it was actually necessary for the public service.

Why the contractor, Swenson, (see item 13 following,) did not furnish a full supply of forage, is not explained.

If this bill does not in fact exhibit false signatures on its face, then it is simply a copy, but is not so marked.

Were any of the charges in this class allowable, this amount would be subject to suspension for want of a proper voucher, and for satisfactory explanation in connection with item 13..... 358 60

* It is respectfully submitted that the sum of these two amounts (viz, $20,225.35) is all of the foregoing amount that is admissible as a proper charge against the United States on account of the six companies called out by General P. F. Smith in 1854. The greater part of the amount "disallowed" is composed of sums which the State paid to the troops as "gratuity." (See annexed paper 67.)

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Voucher.

Item 2. John Riley, seven weeks rent of two houses, one for commissary of supplies and the other for hospital, October 15, 1855... $26 25

As on item 1, next above, suspended $26 25

Item 3. Ed. Burleson, transportation $409 68

This bill is as follows: "Received, San Marcos, January 8, 1856, of Colonel John D. Pitts, paymaster, $409.68, for transportation to Captain J. H. Callahan's company Texas mounted volunteers, entered upon rolls as pack-mules. Ed. Burleson, first lieutenant, assistant quartermaster." "Witness: J. H. Callahan, captain."

The rolls submitted do not throw any light upon this matter, further than that seventeen pack-mules, belonging to different individuals of the company, were lost in Mexico. The lack of evidence to support this charge will warrant a disallowance of this amount 409 68

Item 4. T. C. Doss, 560 bushels corn, at $1.10, October 15, 1855. $616 00

This bill, approved by Callahan, bears the certificate of Burleson. Excepting that this is believed to be a genuine receipt, the remarks for item 1 are applicable to this amount—suspended 616 00

Item 5. Mrs. Reynolds, shoeing horses, October 15, 1855..... $46 80

Approved by Callahan; certified by Burleson. The number of horses shod is not stated. The receipt is signed T. C. Doss, attorney, but no power of attorney is filed. This bill's defectiveness is sufficient to warrant a disallowance of its amount 46 80

(See remarks for items 9 and 10 following.)

Item 6. James Hunter, 54 bushels corn, October 13, 1855..... $72 20

As on item 1 of this voucher—suspended 72 20

Item 7. Ed. Burleson, transportation of baggage..... $36 00

Claimant Burleson explains: "I certify that the foregoing account is correct and just; that I have actually performed the journey herein charged for, in obedience to the authority hereunto annexed, which was received by me when in actual duty; and that I have received no public transportation, or money in lieu thereof, for any part of the above amount; and that I am not in arrears to the State of Texas on any account whatever."

An order for the journey is not submitted, dates of service are not stated, and the charge is for transportation of baggage, and is not, as certified, for transportation of the officer. For these reasons, and in addition see remarks for item 3, this amount should be disallowed 36 00

Item 8. J. G. Barbec, services as surgeon for three months... $300 00

Approved by Callahan, approved by Burleson.

The doctor's name does not appear on the rolls, and he was not a contract physician, therefore this amount should be disallowed 300 00

Item 9. Harmon Willie, shoeing horses $41 50

Item 10. James Brown, shoeing horses..... 50 50

Approved and certified as on item 1. The necessity for so much horseshoeing on the 15th October, 1855, (see item 5,) is not explained. Eighty-eight were the aggregate number of persons in the company, and of the animals employed with them, forty-one were lost in Mexico early in October, 1855. The company officers having been notified October 4, 1855, that they would be mustered out October 19, 1855, the expenses incurred by them four days before muster-out were extraordinary in character and amount. The total absence of full and satisfactory explanation concerning these items warrants their disallowance 92 00

Item 11. Russell Varnell, services as guide..... $40 00

Approved and certified as on item 1. Dates of service are not specified. If this company was ever properly and lawfully employed, it was when in a section of country with which its members must have been familiar, needing no guide. If a guide was necessary, then the organization was out of its proper element, and the expenses incurred in such an event should be disallowed 40 00

Item 12. J. H. Callahan advances, October 12, 1855..... $57 00

This amount is made up of $23 for forage, $20 for corn, and $14 for horseshoeing for a scout, while out of reach of smiths, who were doing the company work, the captain asserting by certificate that he paid the money out of his own private means.

Receipts of the parties paid by Callahan are not filed, and the correctness of the bill is not verified by affidavit. As submitted, this subvoucher is fatally defective, and its amount should be disallowed .. 57 00

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Voucher.

Item 13. S. M. Swanson $2,746 00

This charge embraces items of subsistence, forage, medicines, ammunition, scales and weights, stationery, camp equipage, and transportation.

Reference is made to contract marked No. 1, dated August 3, 1855; also to contract marked No. 2, dated October 30, 1854, and accounts marked Nos. 3 and 7.

The contracts and accounts referred to in the foregoing memoranda on the bill are not submitted, dates of this account are not submitted, the correctness of this account is not certified to, dates of service are not specified, and articles of property not perishable are not accounted for.

Upon the evidence submitted this item of items is inadmissible; therefore should be disallowed $2,746 00

Item 14. Gastin Barbec, services rendered to men wounded in battle $67 50

This bill, approved by Callahan, bears the certificate of Burleson "that the above account is correct and just; that the said Barbec did attend the men, and that he did it at the request of Captain James H. Callahan, with the promise of having his claim properly presented to the State of Texas."

Dates of service are not stated. This doctor, Barbec, is supposed to be the same as figured in item 8; therefore this seems to be a double charge. If any amounts were allowable on this class, this item would be subject to suspension for want of satisfactory explanation, and then it might be disallowed for the reasons stated in item 8. ..... 67 50

Item 15. Thomas Durham, 2,263 rations of subsistence, at 39 cents, July 20, 1855 ..... $882 57

This bill, approved by the governor, bears the certificate of Lieutenant Burleson, that the account is correct and the rations were furnished.

The necessity for so many rations for so few men in one day's time is not explained; abstracts of issues are not submitted; this charge is not submitted by a proper voucher, and if any amounts should be allowable in this class, this item should be suspended for want of satisfactory explanation 882 57

Benton's company.

1. Roll of pay and allowances from September 15 to October 15, 1855 ..... $1,574 83

Item 1. Nat. Benton, captain 191 35

Item 2. H. B. King, first lieutenant 161 88

Item 3. Charles A. Read, second lieutenant 140 00

An excess beyond what was allowable by law and Army Regulations was granted to each individual above named. Said excess for Benton, $57.85; for King, $48.38; and for Read, $31.50, should be disallowed 137 73

Items are not stated in detail, and descriptions of the officer's servants are not given.

Any action that will allow re-imbursement of any expenditure on account of this company will favorably consider this amount subject to suspension until the vouchers are perfected 355 50

Items 4-26. For services of 23 enlisted men $1,081 60

Amounts paid exceed, in every instance, the amounts of the items given to form the total, the latter being excessively stated. Powers of attorney filed in connection with payments made for members of this company are informal in several instances.

The erasures, overcharges lack of detailed statements of items to make the total paid, and the remarkable uniformity of handwriting of all the men, whose names stand as having been signed by the individuals themselves, are all fatal defects on this voucher, and they will warrant a suspension of this amount 1,081 60

2. Roll of payments made for property lost in Mexico $935 00

Items of charge are certified under oath, and they and the amounts compare favorably with articles and valuations on the company-roll.

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Voucher.

Remark as on voucher 5 of Callahan's company, except that item 1 in this case requires a power of attorney, and that this is the amount to be disposed of $35 00

3. J. H. Callahan $57 00

This duplicates the charges composing item 12 of voucher 6 for Callahan's company, therefore should be disallowed 57 00

Henry's company.

1. Roll of pay and allowances from September 15 to October 15, 1855 ..... $3,112 60

Item 1. W. R. Henry, captain 178 00

Item 2. Houston Tom, first lieutenant 150 00

As in items 1 to 3 of voucher 1 for Benton's company, except that here the excessive charges amount to $81, which should be disallowed. 81 00

And the balance subject to suspension is 247 00

Item 3 is not receipted for, and the amount has been deducted from the roll. No action required.

Items 4–36. Enlisted men $1,494 60

Powers of attorney filed in connection with these payments are informal, as in cases heretofore noted.

Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount 1,494 60

2. Roll of payments made for property lost in Mexico $1,290 00

As on voucher 5 of Callahan's company 1,290 00

0. John D. Pitts, paymaster $100 00

This charge appeared as voucher 5 for Henry's company, in class 1; but from there was transferred to be dealt with in this class, the voucher being for services as paymaster for the companies in this class.

Comptroller Johns certified, February 29, 1860, that the receipt of John D. Pitts was then on file. Said receipt is not submitted.

Any action that will allow re-imbursement of any expenditure on account of this company will favorably consider this amount, subject to suspension until a proper receipt is presented 100 00

RECAPITULATION. CLASS II.

If a United States law authorized and directed the Secretary of War to settle and adjust, "on just and equitable principles," the claims submitted in connection with the companies of Callahan, Benton, and Henry, an enforcement of the rules of the War Department would leave the accounts as follows:

Amount which should be—		
Allowed	$13,322 86	
Suspended	4,879 72	
Disallowed	4,172 31	
		$22,374 89
Brought down from class 1		50,186 17

CLASS III.

Tom's company.

It is asserted that this organization was employed from October 16 to November 15, 1855. For what purpose it was employed does not appear in the evidence. The vouchers do not state the dates of service, but otherwise are as follows:

1. William Tom, pay and allowances as captain $133 70

Overcharged on servant's pay 20 cents, which should be disallowed ..

Remark.—Any action that will allow re-imbursement of any expenditure on account of this company will favorably consider this amount 133 70

2. Robert E. Jones, first lieutenant $13 70

3. W. M. Rust, second lieutenant 108 70

As on voucher 1, next above, except that this should be disallowed ....

And this is the balance to be disposed of 122 40

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Voucher.

4. Pay-roll, items 1–14, 16–26, 28, and 30–45, pay and allowances to enlisted men $1,112 92
The powers of attorney, submitted in connection with these items, are informal, as in other cases heretofore noted. Otherwise the remark on voucher 1, preceding, is applicable to this amount to be disposed of $1,112 92
Items 15, 27, and 29, for the several amounts of which receipts are not produced, are deducted from the roll, therefore require no action.

5. Ezra Keyser's account with a vigilance committee, for cash paid by him for forage and subsistence furnished Tom's company $408 97
This bill was paid by the committee, and the State reimbursed the amount, per receipt of "E. Jones, chairman of the vigilance committee."
The quantity and price of each article is not stated, and the receipts of the parties paid by Mr. Keyser are not submitted. The informality of this voucher is sufficient to warrant a disallowance of its amount 408 97

6. George Lee, private $25 70
A receipt for this is not filed, therefore the amount should be disallowed 25 70

Tobin's company.

It is asserted that this organization was employed from October 12 to November 15, 1855.

For what purpose it was employed is not clearly stated, unless it was to serve against Texas Indians. The vouchers are as follows:

1. William G. Tobin, (called captain,) pay and allowances as second lieutenant $108 70
As on voucher one of Tom's company, except that this amount should be disallowed 20
And this is the balance 108 50

2. Pay-roll, dates of service not stated, items 1–7 and 9–25, pay and allowances to enlisted men $808 76
As on items for amounts paid on voucher 4 of Tom's company, except that this is the amount to be disposed of 808 76
Item 8, not receipted, is deducted from the roll, therefore requires no action.

English's company.

It is asserted that this organization was employed at various times between August 6 and November 13, 1855. For what purpose it was employed is not satisfactorily explained, though the captain's power of attorney asserts it was to serve against Texas Indians. (See annexed paper, No 139.) The vouchers are as follows:

1. Levi English, pay and allowances for one month, as first lieutenant $113 70
2. Joel M. Walker, second lieutenant 108 70
As on voucher 1 of Tom's company, except that this amount should be disallowed 40
And this is the balance 222 00
3. Pay-roll, dates of service not stated, items 1 to 7, 9–18, 20–31, 35–39, and 42–46, pay and allowances to enlisted men $1,376 46
As on items for amounts paid on voucher 4 of Tom's company, except that this is the amount to be disposed of 1,376 46
4. R. Radcliffe, private $33 20
5. Evan Corner, private 33 20
6. John Taylor, private 33 20
7. E. O'Brian, private 33 20
8. Charles Richards, private 33 20
Mr. Johns certified, March 10, 1860, that the receipts for the above amounts were then on file in the State comptroller's office. Why said receipts are not submitted is not explained. The remark on voucher 1 for Tom's company is applicable to these vouchers, except that this amount is subject to suspension, for want of proper receipts 166 00
A voucher for $100, paid James H. Raymond, paymaster of the companies in this class, appears with the vouchers of Travis's company, in class 1. The amount is there disallowed.

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RECAPITULATION. CLASS III.

Voucher.

Conditions noted for class 2, recapitulation, if applied to this class, would leave the accounts submitted for the companies of Tom, Tobin, and English, as follows:

Amount which should be—		
Allowed	$3,984 14	
Suspended	166 00	
Disallowed	435 87	
		$4,586 01
Brought down from preceding classes		72,561 06

CLASS IV.

Sansom's company.

It was asserted that this organization was employed from April 16 to July 16, 1856. It was paid for ninety day's services, under the governor's certificate of employment, from April 16, though the mustering officer certified that it was not mustered in until April 19, 1856. It appears that the principal, Sansom, was paid at the rate of $1.50 per day, and the men at $1 per day each, and not at the rate fixed for troops in the United States service.

This fact proves that this company was not a military organization, and the amounts paid to its members, for services alleged to have been rendered as troops, should be disallowed $1,155 00

NOTE.—The one voucher, filed on account of this company, is certified to by the so-called captain, who asserts that he witnessed the payment of the whole company. The signatures to the receipts are not witnessed, however, but all appear to have been written by one hand.

Davenport's company.

It is asserted that this organization was employed at various times between March 13, 1856, and June 1, 1857.

1. A roll was made out for three months' pay at the same rates as are noted for Sansom's company, but the full amount specified as due was not paid. It appears that John M. Davenport and Joseph G. Brown, the two principals, were each entitled to $135, but were paid only $60.39 each, and that the thirty-five men were each entitled to $90, but were paid only $45.70 each, leaving a balance due. For twenty of the men the money was paid to John M. Davenport on powers of attorney, which do not, on sight, present a favorable appearance. One J. M. McCormick, who belonged to the company, was at the same time, or subsequently became, clerk of a county court of which James B. Davenport was chief justice. Before one of these two individuals the powers of attorney, in favor of John M. Davenport, were executed. One of the documents represents that it was in presence of the chief justice, signed by eighteen of the men. If the men were not all taught penmanship by one and the same tutor, then one person signed all the names in this instance, and the Davenport family thereupon received nearly all the money paid on this voucher, the amount of which should be disallowed 1,599 62

2. Neill Robinson, services as paymaster for the companies of Sansom, Davenport, and Black $100 00

The unsatisfactory manner in which this man discharged his duties and rendered his accounts should have debarred him from obtaining any pay. This amount should be disallowed 100 00

Black's company.

It is asserted that this company was in service at various times between January 1 and December 31, 1856.

A roll was made out for two months' pay at the rates noted for Sansom's company, but the full amount specified as due to each individual was not paid.

It appears that R. W. Black and James Moseley, the two principals, were each entitled to $90, but were paid only $45.70 each, and that the twenty-eight men were each entitled to $60, but were paid only $30.46 each, leaving a balance due.

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Voucher.

For twenty of the men the money was paid to J. C. Ellis (a member of the company) on powers of attorney, signed by persons who apparently learned to write under one and the same master. John M. McCormick, who belonged to Davenport's company, and was clerk of a county court, also belonged to this company, and before him every one of the twenty powers of attorney was acknowledged. Under these circumstances it is difficult to determine who was in fact paid for services rendered in this instance; but it is suggested that the character of this voucher is sufficient to warrant a disallowance of its amount..... $791 98

RECAPITULATION OF CLASS IV.

The total claimed should be disallowed.....	$3,646 60
Brought down from preceding classes.....	77,147 07

CLASS V.

The companies pertaining to this class were to serve as minute-men, and their employment was authorized by letters from the governor. How or where they served is not clearly set forth.

The evidence goes to show that, notwithstanding the apparent employment of this military force, Indians committed depredations in some of the very counties and during the very times in which these companies apparently existed as protectionists. The charges for all the companies are from December, 1857, to March, 1858, and the vouchers are as follows:

Carmack's company.

1.	T. K. Carmack, first lieutenant.....	$269 00	
	Any action that will allow re-imbursement of any expenditure on account of this company will favorably consider this amount.....		269 00
2.	Pay-roll of enlisted men.....	$2,352 30	
3.	Use of pack-mule, at $8 per month.....	24 00	
4.	Use of pack-mule, at $8 per month.....	24 00	
5.	Use of pack-mule, at $8 per month.....	24 00	
6.	Use of pack-mule, at $8 per month.....	24 00	
	As on voucher 1, next above.....		2,448 30

Conner's company.

1.	John H. Conner, lieutenant.....	$86 75	
	As on voucher 1 of Carmack's company, except that this amount is subject to suspension, as the officer's servant is not described.....		86 75
2.	Pay-roll of enlisted men.....	$3,758 27	
3–6.	Use of pack-mules, at $8 per month.....	96 00	
	As on voucher 1 of Carmack's company.....		3,758 27
7.	W. L. Williams, private, for value of one house and equipments, taken by the Indians, while in the service of the State of Texas...$105 00		
	This is certified to under oath by Lieutenant Conner, but it is not shown at what place, upon what date, and under what circumstances the horse was lost.		
	As on voucher 1 of Carmack's company, except that this amount is subject to suspension.....		105 00

Hodges's company.

1.	John S. Hodges, lieutenant, for services from December 14, 1857, to April 26, 1858.....	$564 75	
	As on voucher 1, Carmack's company, except that this amount is subject to suspension, as the officer's servant is not described.....		564 75
2.	Pay-roll of enlisted men.....	$2,384 00	
	As on voucher 1, Carmack's company.....		2,384 00
3.	John S. Hodges, re-imbursement of amount expended for blacksmithing for three months.....	$4 00	
	Hodges's receipt for the money, or the receipt of the party paid by him, is not found.		
	As on voucher 1 of Carmack's company, except that this amount is subject to suspension.....		4 00

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Voucher.

4. Horseshoeing $51 50
As on voucher 3, next above, suspended..... $51 50
5–7. Use of pack-mules, at $8 per month..... $72 00
As on voucher 1, Carmack's company..... 72 00
8. Use of pack-mule..... $24 00
The receipt of the party paid is not produced.
As on voucher 1 of Carmack's company, except that this amount is subject to suspension..... 24 00

Frost's company.

1. T. C. Frost, lieutenant,..... $376 50
As on voucher 1 of Carmack's company, except that this amount is subject to suspension for want of a description of the officer's servant. 376 50
2. Pay-roll of enlisted men $2,390 75
As on voucher 1 of Carmack's company, except that this amount is subject to suspension for want of witnesses to receipts for the money. 2,390 75
3. Use of four pack mules, three months each, at $8 per month.. $96 00
As on voucher 1 of Carmack's company, except that this is subject to suspension for want of powers of attorney to support the receipts of the parties paid..... 96 00

RECAPITULATION.

If a United States law authorized and directed the Secretary of War to settle and adjust, "on just and equitable principles," the claims submitted in connection with the companies of Carmack, Conner, Hodges, and Frost, an enforcement of the rules of the War Department would leave the accounts as follows:

Amount which should be—		
Allowed	$11,514 32	
Suspended.....	1,212 50	
		$12,726 82
Brought down from preceding classes.....		80,793 67

CLASS VI.

It is alleged that the companies in this class were in service at various times in the year 1858. These organizations were authorized by the governor, and they killed at least seventy-six Comanches during an expedition into the Cherokee country.

The vouchers are as follows:

Ford's company.

1. Pay-roll, January 10, to August 10, 1858..... $18,691 11
The governor's instructions to Ford were, viz:
"In all matters pertaining to your duties as commander of the State troops, you will co-operate with the officers of the Regular Army, if expedient, convenient, or practicable."
In view of this fact, it is suggested that this command was entirely a State affair, *i. e.*, an independent military establishment, with which the United States authorities had nothing to do, therefore this amount should be disallowed 18,691 11
NOTE.—Of the foregoing amount $207.94, in items 40 and 90, are receipted by proxy, but powers of attorney are not filed.
2. Roll of property lost by privates and paid for by the State .. $568 00
As on voucher 1, above, and in addition:
A power of attorney is not filed to support a receipt by proxy for $194 of this amount, which should be disallowed..... 194 00
The following-mentioned vouchers are for pay and allowances of officers of the Ford company from January 10, to August 5, 1858:
3. John S. Ford, captain..... $1,420 65
4. E. Burleson, first lieutenant..... 977 00
5. A. Nelson, second lieutenant..... 917 00
6. W. A. Pitts, second lieutenant 917 00
7. J. H. Tankersley, lieutenant..... 825 12
As on voucher 1, above, and in addition:
Burleson and Pitts having been commissioned lieutenants for this company, Nelson and Tankersley were supernumerary officers, and should not have been paid. The whole amount should be disallowed. 3,656 77

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Voucher.			
8.	Abstract of purchases made by Ed. Burleson, lieutenant, and acting assistant quartermaster for Ford's companies..... $13,095 13		
	This amount embraces charges for large quantities of property not perishable, and not accounted for.		
	Among the items are six horses, thirty mules, and three wagons. The amount of this voucher would be subject to suspension were it not for the remark on voucher 1, under which it should be disallowed..		$13,095 13
9.	Transportation and repairs..... $3,398 58		
10.	Ordnance stores..... 670 38		
	As on voucher 1; disallowed.....		4,068 96
11.	Ed. Burleson, mileage..... $72 00		
	As on voucher 1, and, in addition:		
	Orders for the journeys are not submitted; disallowed.....		72 00
12.	S. M. Swenson, contractor for subsistence furnished..... $1,529 70		
	As on voucher 1, and, in addition:		
	The correctness of this voucher is certified to by Lieutenant Burleson and is approved by Captain Ford. Abstracts of rations received and issued are not submitted, and the dates upon which the subsistence was furnished are not stated, disallowed.....		1,529 70
13.	S. M. Swenson, subsistence..... $1,000 00		
14.	S. M. Swenson, subsistence..... 2,800 00		
15.	S. M. Swenson, subsistence..... 4,000 00		
16.	S. M. Swenson, subsistence..... 2,135 07		
	As on voucher 12, and, in addition:		
	Receipts for the money are not submitted; disallowed.....		9,935 07
17.	Robert Cutter, extra-duty pay as commissary clerk, at 40 cents per day..... $72 80		
	This man was first sergeant of the company, and under the customs of the military service could not have been properly detailed as clerk. An order placing him on extra duty, detached service, is not filed, and dates of service are not stated. Otherwise, the remarks on voucher 1 apply to this voucher, the amount of which should be disallowed.....		72 80
18.	J. H. Tankersley, lieutenant..... $178 76		
	As on voucher 1, and, in addition:		
	This lieutenant was paid in full on voucher 7, and this is a duplicate		
19.	H. R. Runnell's, expressage..... $70 00		
	charge, not supported by a receipt; disallowed.....		178 76
	The governor's receipt, or the receipt of the party paid, is not submitted. Dates of service are not stated.		
	As on voucher 1, this amount should be disallowed.....		70 00
20.	Miscellaneous expenses..... $2,220 66		
	Items 1, 4–7, 9, 10, and 12, amounting to $470 98, are for expenses of expressmen, printing, keeping a mule, ordnance stores, and horse hire. Excepting items 6 and 7, receipts of the parties paid are not submitted.		
	The remarks for voucher 1 are applicable to this amount, which should be disallowed.....		470 98
	Items 2, 3, 8, 11, and 15 are duplicates of payments made by items 1, 2, 3, and 5–18 of voucher 1 for Williams's company; therefore the amount should be disallowed.....		1,050 00
	Item 13. John Williams, pay and allowances as first lieutenant, two months, from May 24 to July 24, 1858..... $287 66		
	As on voucher 1; should be disallowed.....		287 66
	Item 14. S. M. Swenson, 1,260 complete rations for Williams's company, May 20, 1858..... $412 02		
	As on voucher 12, except that here Williams certified and the governor approved the account. The receipt of the party paid is not submitted. This amount should be disallowed.....		412 02

W. G. Preston's detachment.

21.	Pay-roll of enlisted men, April 20 to June 30, 1858.....$1,150 45		
	This detachment was called into service by Captain Ford.		
	In most instances the amounts paid exceeded the totals due per items correctly added. Twenty-four dollars was paid for a pistol lost by Private Hill, but a receipt for the amount is not submitted. On this roll many of the signatures, purporting to be the genuine signatures of the men, were written by one person, whose authority to sign by proxy is not submitted.		

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Voucher.

As on voucher 1, should be disallowed $1,150 45

22. W. G. Preston, second lieutenant $283 42
As on voucher 1, should be disallowed 283 42

W. N. F. Marlin's company.

1. Pay-roll of enlisted men, from February 24 to April 4, 1859... $752 59
This company was employed by Ford in 1858, and when he was about to pay it, in 1859, it was reported that Indians were about, so he re-assembled the company, and thus brought it into active service again for "six months, unless sooner discharged." It was sooner discharged, and the amounts paid to it for service in connection with this class, and for other services, are embraced in voucher 8 of Ford's company, class 7, duplicating this charge, which should here be disallowed 752 59

John Williams's company.

1. Pay-roll $1,085 60
Of the twenty items on this roll, the money for fifteen was paid to Sergeant D. C. Cowan, whose powers of attorney are not submitted, and for five paid at the State treasury, receipts are not produced.
As on voucher 1 of Ford's company, this amount should be disallowed 1,085 60

RECAPITULATION—CLASS VI.

The troops of this class formed a military establishment entirely independent of the United States authorities, as will be seen by reference to page 14 of House Executive Document No. 27 of the second session of the Thirty-fifth Congress, which shows that the governor wrote to Ford:

"Of course you will not be expected to submit to any improper interference in the execution of your duties from any quarter." It also appears therein that "the efficiency or good of the State service" was, in this instance considered paramount to anything the United States military authorities in Texas could have said or done.

In view of the foregoing facts it is respectfully submitted that the total charged in this class should be disallowed $58,831 02
Brought down from preceding classes 93,520 49

CLASS VII.

Bourland's Company.

This was a State organization entirely independent of any United States authority. It was authorized by the governor, whose instructions to the captain (see paper 90) show the purposes for which it was raised. The vouchers are as follows:

1. Roll for pay and allowances to enlisted men from October 28, 1858, to January 28, 1859.
Abstracted for $6,126 46
To which add, for an error in addition 55 28

Correct amount of roll 6,181 74

Powers of attorney filed in connection with payments made for members of this company are in several cases informal, as in cases noted in class 1.

Items 1–14 and 16–78 ..... $6,111 76
Remark.—Any action that will allow re-imbursement of any expenditure on account of this company will favorably consider this amount, subject to petty deductions 6,111 76

Item 15. William Dawson, services as private November 13, 1858, to January 28, 1859, two month and sixteen days $69 98
The muster-out roll shows that this man was discharged December, 22, 1858, unable for duty. The overcharge for one month and six days should be disallowed 33 15

And for the balance the remark on the other items of this voucher is applicable 36 83

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Voucher.

2. Roll for pay and allowances to enlisted men from January 28 to April 28, 1859 ..... 2,778 88
As on voucher 1, (except item 15) $2,778 88
3. Patrick O'Gorman, services as paymaster's clerk for two months at $700 per annum $116 66
The dates of service are not stated, and the account is not certified. This is not a proper charge to be connected with the employment of a company of militia or volunteers; therefore the amount should be disallowed 116 60
Officers' pay-accounts from October 28, 1858 to April 28, 1859, viz.:
4. James Bourland, captain $1,077 00
5. E. C. Perry, first lieutenant 977 00
6. G. H. Fitzhugh, second lieutenant 917 00
The remark on voucher 1 is applicable to these vouchers, the amounts of which are subject to suspension, as the officers' servants are not described 2,971 00
7. William Hunter, surgeon, from February 7 to March 8, 1859 ... $67 74
8. G. L. Scott, surgeon, from October 28, 1858, to February 1, 1859, and from March 12 to April 12, 1859 ..... $389 50
The names of these medical gentlemen do not appear on the rolls, and there is nothing submitted to show that they were employed under contract, in accordance with the Army Regulations. For each voucher a power of attorney, not witnessed, is filed, and the money was receipted for by proxy. This amount should be disallowed 547 24
9. M. Poindexter, expressman $10 00
The remark on voucher 1 is applicable to this amount, which is subject to suspension for want of dates of service 10 00
10. Alexander Boutwell, pay and allowances as second lieutenant, from October 28, 1858, to January 28, 1859 ..... $458 50
The officer's servant is not described. As two lieutenant were paid, on vouchers 5 and 6, for the whole time this company was in service, this amount for a supernumerary officer should not have been paid, and should here be disallowed 458 50
11. W. T. Peery, use of wagon and team $155 00
Remark as on voucher 1 ..... 155 00

Ford's company.

This company was authorized by the governor of Texas, who commissioned the company officers on the 10th of November 1858. The vouchers are as follows:

1. Roll of pay and allowances to enlisted men from November 10, 1858, to May 10, 1859 ..... $11,443 10
Powers of attorney in some instances are informal, as in other cases heretofore noted.
Item 1 is signed by attorney, but a power of attorney to support the receipt is not submitted; the amounts of items 23, 24, and 73 in part are not receipted for. In view of these facts this amount should be disallowed 496 85
Item 40, the amount of which is deducted from the roll, requires no action.
The remaining items on this voucher come under the remark on voucher 1 of Bourland's company, except that this is the amount to be disposed of 10,946 25
2. James V. Ross, extra-duty pay as clerk in commissary department November 10, 1858, to May 10, 1859, at 25 cents per day $45 00
Remark.—Any action that will allow re-imbursement of any expenditure on account of this company will favorably consider this amount 45 00
3. John R. Gibbons, first lieutenant $816 54
As on voucher 1, next above, except that this amount is subject to suspension for want of a description of the officer's servant 816 54
4. Aaron Burleson, second lieutenant $763 80
As an voucher 2 ..... 763 80
5. J. H. Huffman, extra-duty pay as hospital stewart, December 10, 1858, to May 10, 1859, 150 days at 25 cents per day $37 50
An order assigning this man to extra duty on detached service is not submitted, and the correctness of the account is not certified to by any one, therefore this amount should be disallowed 37 50
6. Charles E. Barnard, for 1,944 rations of subsistence, at 39 cents each, April 5, 1859 ..... $757 96

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Voucher.

7. In part. C. E. Barnard, 2,160 rations, November 15, 1858.... $942 40
The correctness of these vouchers is not certified to by any one. In the absence of proper vouchers, this amount should be suspended in part.... $1,6[illegible]
Amounts paid to various persons on sub-vouchers, viz:
1. Ed. Burleson, for 27 mules, 5 horses, and 3 sets horse equipments.... $2,486 00
The correctness of this voucher, or sub-voucher, is not certified to by any one. The property is not accounted for. These defects are sufficient to warrant a disallowance of this amount.... 2,486 00
No. 2. Sampson & Henricks, ordnance stores.... $268 00
No. 3. S. M. Swenson, 1 wagon, 4 sets harness, and 21 blankets 222 50
No. 4. E. D. Walker, equipments.... 923 00
No. 5. A. W. Anderson, spades.... 7 75
As on sub-voucher No. 1 of this voucher, should be disallowed.... 1 421 25
No. 6. Ed. Burleson, 600 yards "Lowells".... $108 00
The correctness of this sub-voucher is certified to by John S. Ford, but it is not understood for what purpose this article was purchased, and, there being no accountability for the property, this amount should be suspended.... 10[illegible]
No. 7, in part. C. E. Barnard, 514¾ bushels corn, at $1.70... $874 28
The correctness of this sub-voucher is not certified to by any one. In the absence of a proper voucher, suspended.... [illegible]74 2[illegible]
No. 8. C. E. Barnard, medicines, and articles of imperishable property.... $88 48
As on sub-voucher No. 1, disallowed.... [illegible]8 4[illegible]
No. 9. C. E. Barnard, forage.... $483 00
As on sub-voucher No. 7, in part, suspended.... [illegible]3 0[illegible]
No. 10, Ed. Burleson, forage.... $7,452 00
This is certified to by Ford; but, as Burleson was acting assistant quartermaster and acting commissary subsistence, an absence of the receipts of parties from whom he purchased the forage warrants a suspension of this amount.... 7,452 00
8. This is an abstract of expenditures made by Ford, and the sub-vouchers are as follows:
No. 1, J. W. Bennett, blacksmithing.... $182 75
The correctness of this sub-voucher, or of the voucher, is not certified to by any one, and, as the property in connection with which this expense was incurred is not satisfactorily accounted for, this amount should be disallowed.... 1[illegible]2 7[illegible]
No. 2. A. W. Anderson, transportation of property.... $28 55
No. 3. F. T. Duffan, supplies.... 250 00
As on sub-voucher No. 1, next above.... 27[illegible] 5[illegible]
No. 4. John Shirley, services as physician.... $120 00
The account is not certified to by any one, and it is not shown that the physician was employed under contract, or was noted on the company-roll in accordance with Army Regulations. This amount should be disallowed.... 12[illegible]
No. 5. A. J. Dyche, horseshoeing.... $30 00
In the absence of evidence to show that this account is correct, and that the services were actually rendered, and were necessary for the public service, this amount should be disallowed.... [illegible]0 0[illegible]
No. 6. T. Weaver, blacksmithing.... $266 66
No. 7. J. Marshall & Co., advertising.... 1 50
No. 8. John S. Miller, transportation.... 25 00
No. 9. J. S. Perry, advertising.... 3 00
No. 10. A. Guajarde, muleteer.... 150 00
No. 11. M. Basques, muleteer.... 150 00
No. 12. J. M. Cadera, muleteer.... 150 00
No. 13. Ed. Finnin, services.... 91 00
No. 14. J. Vascabaso, muleteer.... 150 00
No. 15. J. M. Salinas, muleteer.... 150 00
As on sub-voucher No. 5, should be disallowed.... 1,13[illegible] 1[illegible]
No. 16. W. E. Oakes, surgeon.... $600 00
As on sub-voucher No. 4, should be disallowed.... 6[illegible] 0[illegible]
No. 17. Roll of men on extra duty.... $153 00
Dates of service are not stated, orders placing the men on detached service are not submitted, and the correctness of the account is not certified to by any one. This sub-voucher's defects are sufficient to warrant a disallowance of this amount.... 153 00

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Voucher.

No. 18. Pay-roll of enlisted men of Lieutenant W. N. P. Marlin's company, from February 24 to April 4, 1859 ..... $752 59

This charge appeared in class 6, but was there disallowed to be considered here. Captain Ford called this company into service. Of the signatures, representing those of twenty men, on this roll, fifteen are signed in the handwriting of Marlin, and, in the absence of powers of attorney, this amount should be disallowed, as it was paid upon a falsified voucher $752 59

No 19. Pay-roll of enlisted men of Lieutenant W. N. P. Marlin's company from July 15 to November 14, 1858 ..... $3,346 00

No. 20. W. N. P. Marlin, lieutenant 611 32

The officer's servant is not described on No. 20. These charges properly belonged in class 6, wherein the remarks on voucher 1 of Ford's company are applicable to these sub-vouchers, the amount of which should be disallowed 3,957 32

No. 21. Jack Williams, guide 270 00

As on sub-voucher No. 5, disallowed 270 00

Brown's company.

From the heading on its muster-roll, this organization appears to have been called out by peace commissioners who were sent to the Brazos agency to represent the State in the settlement of reported disturbances. It seems, from the charges in this case, that it took about seventy days to settle the difficulties, though this is only shown by the fact that the State paid the company for services from July 1, to September 12, 1859, and it is not shown by any other evidence. The vouchers are as follows:

1. Pay-roll of officers and enlisted men $8,660 06

The officers were one captain, two surgeons, two first and two second lieutenants; but should have been, for one company, one captain, and two lieutenants, and a contract physician, if necessary.

Powers of attorney filed in connection with amounts paid on this roll are informal, as in cases heretofore noted.

Of the amounts paid on this voucher, the captain, J. Henry Brown, received for his pay, and as attorney, the sum of $3,524.78, and J. H. Raymond, an attorney, received $1,513.06.

The employment of this company was purely a State affair. In the absence of evidence of date in 1859, to confirm J. Henry Brown's statements, or to show that the peace commissioners actually called this company into service, and necessarily kept it employed during the time charged for, this amount should not be entertained as subject to re-imbursement, but should be disallowed, the same being an improper charge against the United States 8,660 06

NOTE.—Item 63 is overcharged $26.10.

2. E. M. Cox, extra-duty pay $7 50
3. William Sharp, extra-duty pay 7 50
4. H. L. Burt, extra-duty pay 15 25
5. B. G. Edwards, extra-duty pay 13 50
6. W. J. Perrymen, extra-duty pay 16 50
7. John Danley, extra-duty pay 26 40
8. W. B. Whittington, extra-duty pay 25 00

Orders putting these men on extra duty, detached service, are not submitted.

As on voucher 1, this amount should be disallowed 111 65

9. J. H. Brown, mileage $16 20

An order, from superior authority, authorizing or directing the captain to perform a journey at public expense is not filed, and the dates of service are not stated.

As on voucher 1, disallowed 16 20

10 J. H. Brown, re-imbursement of expenses incurred for burial of Private Smith Estes $20 00

Receipts for the amounts paid by Brown are not produced.

As on voucher 1, disallowed 20 00

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RECAPITULATION. CLASS VII.

Voucher.

If a United States law authorized and directed the Secretary of War to settle and adjust, "on just and equitable principles," the claims submitted in connection with the companies of Bourland, Ford, Marlin, and Brown, an enforcement of the rules of the War Department would leave the accounts as follows:

Amount which should be—		
Allowed	$20,837 52	
Suspended	14,715 18	
Disallowed	21,884 91	
		$57,437 61
Brought down from preceding classes		152,351 51

CLASS VIII.

Not less than seven companies of volunteers or rangers appeared in the history of this class, but for some reason not explained accounts are submitted for only one of the seven, and for a company not alluded to in any of the correspondence of 1859–'60.

Hampton's company.

This was one of the seven organizations that operated in the Cortinas affair, between December 18, 1859, and January 1, 1860.

The papers submitted are principally in reference to issues of rations and concerning property accountability, but one voucher being filed for moneys paid.

1. Receipt-roll of four items, viz:

Hire of wagon and team	$200 00
Guide	75 00
Muleteer	41 66
Quartermaster's clerk	83 32

The correctness of this roll is certified to by G. J. Hampton, captain and quartermaster.

No item of expenditure made on account of a company of volunteers that has been disbanded should be re-imbursed by the United States until full and complete money accounts pertaining to the company's services and expenses are filed and passed upon; therefore this amount should be disallowed ..... $[illegible]

Berry's company.

This was mustered in by W. G. Tobin, November 10, 1859, and was mustered out by him December 20, 1859.

Several forage requisitions and reports of persons and articles hired are filed with a receipt-roll of quartermaster's employés, and six receipts for amounts paid for rations for this company. This roll and these receipts form the only money transactions exhibited for this company.

The State abstract calls for	$6,011 33
The roll and receipts filed are for	2,473 00
The difference claimed is not supported by vouchers; therefore cannot be favorably considered, but must be classed disallowed	3,538 33
For the reasons stated in the remarks for the voucher submitted for Hampton's company, this amount should be disallowed	2,473 00

RECAPITULATION. CLASS VIII.

Amount which should be disallowed	$6,411 31
Brought down from preceding classes	209,789 12

CLASS IX.

Governor Houston reported in 1860 that the State then had in its employ thirty-four organizations, making an aggregate of 1,305 men; but the accounts submitted for this class are for supplies and appear to pertain to one company only, viz:

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Burleson's.

Voucher.

The vouchers are as follows:

1. Abstract of purchases made by J. E. McCord, lieutenant and acting assistant quartermaster $1,315 30

The articles purchased were six mules, six pack-saddles, 461¼ bushels corn, and horseshoeing materials. The animals and saddles were turned over to the State authorities, who give no credit on this voucher for the valuation of the articles.

Remarks.—Pay-rolls for the members of this company are not submitted, and the amounts now claimed are for only a part of the expenses incurred on account of this company. No item of expenditure made on account of a company of volunteers that has been disbanded should be re-imbursed by the United States until full and complete money accounts pertaining to the company's services and expenses are filed and passed upon; therefore this amount should be disallowed $1,315 30

2. Abstract of expenditures for transportation and for services rendered by quartermaster's employés $539 75
3. Ordnance stores 20 00
4. Medicines 286 00
5. Subsistence 18 00

The remarks for voucher 1 are applicable to these vouchers. This amount should be disallowed 863 75

6. Leather, rope, and buckles $30 52

For this amount Lieutenant and Acting Assistant Quartermaster McCord receipted as attorney for Dodge and Fisher, but a power of attorney is not submitted.

The remarks on voucher 1 are applicable to this voucher. This amount should be disallowed 30 52

The State abstract for this class calls for reimbursement of amounts, viz:

Paid by McCord $2,000 00
Paid at State treasury 4,943 46

Total 6,943 46

The vouchers filed are for $2,209 57, and for this balance, claimed to have been paid at the State treasury, no vouchers are submitted; therefore this amount should be disallowed 4,733 89

RECAPITULATION. CLASS IX.

Amount which should be disallowed $6,943 46
Brought down from preceding classes 216,200 43

SYNOPSIS.

The State abstract calls for $223,011 76

To this amount there should be added for errors in addition, viz:

On Boggess's roll, class 1 ..... $76 85
On Bourland's roll, class 7 ..... 55 28

132 13

Correct total 223,143 89

Which, in the foregoing report, is conditionally disposed of as follows:

Class of troops or accounts.	Amount which should be—			Aggregate.
	Allowed.	Suspended.	Disallowed.	
One	$16,283 21	$3,942 14	$29,960 82	
Two	13,392 86	4,879 72	4,172 31	
Three	3,984 14	166 00	435 87	
Four			3,646 60	
Five	11,514 32	1,212 50		
Six			58,831 02	
Seven	20,837 52	14,715 18	21,884 91	
Eight			6,411 31	
Nine			6,943 46	
Totals	65,942 05	24,915 54	132,286 30	$223,143 89

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In order that the foregoing tabular statement may not be misconstrued, I respectfully submit that the evidence found in reference to these Texas claims does not exhibit any good ground for actual responsibility on the part of the United States Government for anything more, in this case, than $20,225.35, which, in the "Synopsis," is the sum of the first two items for the troops of class 1; and that the balance, viz, $202,918.54, was paid on account of troops or rangers, for the employment or support of which the United States, or their duly authorized agents, aside from the act of June 21, 1860, were not at all responsible.

And I further submit that a re-imbursement of the last-mentioned amount or a recognition of the services of the men to whom it was paid will be the commencement of a responsibility of which the end—though it may be made to appear in the case of the State of Texas—cannot be foreseen, so far as the United States Government may be concerned.

Very respectfully, your obedient servant,

THOS. H. BRADLEY,
First Lieutenant Twenty-first Infantry,
Brevet Captain, United States Army.

List of papers.

No.	Date.	From and to whom.
1	September 30, 1852	Secretary of War to Governor of Texas.
2	June 19, 1854	Secretary of War to General Persifer F. Smith.
3	July 29, 1854	General Persifer F. Smith to Secretary of War, indorsed by latter August 24, 1854.
4	July 29, 1854	General Persifer F. Smith to Governor of Texas.
5	July 30, 1854	Captain P. Calhoun, United States Army, to assistant adjutant general Department of Texas.
6	August 2, 1854	Captain P. Calhoun, United States Army, to assistant adjutant general Department of Texas.
7	August 8, 1854	Governor of Texas to General Persifer F. Smith.
8	August 12, 1854	Lieutenant S. B. Holabird, United States Army, to adjutant First Infantry.
9	August 17, 1854	General Persifer F. Smith to Adjutant General United States Army.
10	August 20, 1854	General Persifer F. Smith to Adjutant General United States Army.
11	August 24, 1854	Secretary of War to the Secretary of State.
12	August 25, 1854	Adjutant General to General Persifer F. Smith.
13	August 29, 1854	Secretary of War to Governor of Texas.
14	October 9, 1854	General Persifer F. Smith to Adjutant General, indorsed by Secretary of War.
15	October 30, 1854	General Persifer F. Smith to Adjutant General United States Army.
16	January 23, 1855	Secretary of War to Hon. J. D. Bright, United States Senate.
17	January 24, 1855	Secretary of War to Hon. P. H. Bell, House of Representatives.
18	March 10, 1855	General Persifer F. Smith to Adjutant General United States Army, indorsed by Secretary of War April 11, 1855.
19	March 14, 1855	General Persifer F. Smith to Adjutant General United States Army.
20	March 23, 1855	General Persifer F. Smith to Adjutant General United States Army, indorsed by Secretary of War April 11, 1855.
21	April 9, 1855	J. E. Doss, William G. Thomas, and Charles A. Campbell to Secretary of War.

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List of papers—Continued.

No.	Date.	From and to whom.
22	May 12, 1855	Secretary of War to above citizens of Texas.
23	May 28, 1855	General Persifer F. Smith to Adjutant General United States Army.
24	June 20, 1855	Governor of Texas to General Persifer F. Smith.
25	July 5, 1855	Governor of Texas to John H. Callahan, esq.
26	July 14, 1855	General Persifer F. Smith to Adjutant General United States Army.
27	July 25, 1855	Governor of Texas to citizens of Bexar County.
28	July 25, 1855	Governor of Texas to John H. Callahan, esq.
29	September 5, 1855	Governor of Texas to General Persifer F. Smith.
30	September 5, 1855	Governor of Texas to C. Evans, B. E. Edwards, and H. B. Saunders.
31	September 8, 1855	General Persifer F. Smith to Adjutant General United States Army.
32	September 12, 1855	Robert S. Neighbours to Captain G. R. Paul, United States Army.
33	August 30, 1855	United States agent's treaty with Texas Indians.
34	September 15, 1855	Captain G. R. Paul, United States Army, to Robert S. Neighbours, esq.
35	September 16, 1855	Captain G. R. Paul, United States Army, to assistant adjutant general Department of Texas.
36	September 25, 1855	Governor of Texas to certain citizens of State.
37	September 29, 1855	Secretary of War to Secretary of State.
38	October 4, 1855	Captain Sidney Burbank, United States Army, to assistant adjutant general Department of Texas.
39	October 4, 1855	Governor of Texas to Lieutenant Edward Burleson, volunteer.
40	October 7, 1855	Assistant adjutant general Department of Texas to Captain Sidney Burbank, United States Army.
41	October 7, 1855	Captain G. R. Paul to assistant adjutant general Department of Texas.
42	October 7, 1855	S. F. Ross, agent, to Robert S. Neighbours, agent.
43	October 7, 1855	J. R. Baylor to Robert S. Neighbours.
44	October 8, 1855	Captain Sidney Burbank, United States Army, to assistant adjutant general Department of Texas.
45	October 8, 1855	Assistant adjutant general Department of Texas to Brevet Colonel William Loring, United States Army.
46	October 9, 1855	Captain Sidney Burbank, United States Army, to assistant adjutant general Department of Texas.
47	October 9, 1855	Assistant adjutant general Department of Texas to Captain Sidney Burbank, United States Army.
48	October 10, 1855	General Persifer F. Smith to Adjutant General United States Army.
49	October 11, 1855	Assistant adjutant general Department of Texas to Captain Sidney Burbank, United States Army.
50	October 11, 1855	General Persifer F. Smith to Governor of Texas.
51	October 12, 1855	General Persifer F. Smith to Adjutant General United States Army, indorsed by Secretary of War November 3, 1855.
52	October 14, 1855	General Persifer F. Smith to Adjutant General United States Army.
53	October 16, 1855	Captain Sidney Burbank to assistant adjutant general Department of Texas.
54	October 17, 1855	Governor E. M. Pease to General Persifer F. Smith.
55	October 17, 1855	General Persifer F. Smith to Adjutant General United States Army.
56	October 20, 1855	Robert S. Neighbours to General Persifer F. Smith.
57	October 21, 1855	General Persifer F. Smith to Governor of Texas.
58	October 21, 1855	General Persifer F. Smith to Adjutant General United States Army.
59	October 21, 1855	Captain G. R. Paul, United States Army, to assistant adjutant general Department of Texas.
60	November 9, 1855	Secretary of War to Secretary of State.
60½	November 16, 1855	Extracts from roll of William Tom's company.

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List of papers—Continued.

No.	Date.	From and to whom.
61	November 15, 1855	Extracts from roll of William G. Tobin's company.
61½	December 6, 1855	General Persifer F. Smith to Señor Don Emilio Langberg commanding forces of the Mexican Republic in Coahuila
62	December 6, 1855	General Persifer F. Smith to Adjutant General United States Army.
64	December 18, 1855	Governor to J. D. Pitts.
65	January 3, 1856	Governor to legislature of State.
66	February 4, 1856	Governor to Giles S. Boggess.
67	February 5, 1856	Governor to James W. Throckmorton.
68	March 22, 1856	Governor to Colonel A. M. M. Upshur.
69	March 31, 1856	Governor to John H. Callahan *et al.*
70	April 10, 1856	Governor to Colonel John D. Pitts.
71	May 1, 1856	Governor to James H. Raymond.
72	June 17, 1856	Extracts from roll of Davenport's company.
73	August 4, 1856	Governor to State legislature.
	August 25, 1856	Legislative act. (See supplement, following.)
74	October 1, 1856	Governor to James H. Raymond.
75	September 16, 1857	Secretary of War to General D. E. Twiggs.
	November 11, 1856	Levi English's affidavit. (See supplement, following.)
76	November 3, 1857	Governor to Messrs. Bryan and Regan.
77	November 23, 1857	Governor to Thomas K. Carmack, John H. Conner, and Neill Robinson.
78	November 23, 1857	Governor's instructions to officers, Texas volunteers.
79	November 23, 1857	Resolution, State legislature.
80	December 7, 1857	Governor to Thomas C. Frost.
81	December 19, 1857	Governor commissions J. S. Hodges.
82	December 19, 1857	Governor commissions John H. Connor.
83	December 22, 1857	Thomas C. Frost reports to governor.
84	January 28, 1858	Governor commissions John S. Ford.
85	February 8, 1858 February 9, 1858	Governor commissions Lieutenant Edward Burleson. Governor commissions W. A. Pitts
86	May 20, 1858	Governor authorizes Williams's company.
87	May 25, 1858	Governor to Neill Robinson.
88	May 27, 1858	Governor to Neill Robinson.
89	July 13, 1858	Governor to Lieutenant John Williams.
90	October 4, 1858	Governor to Colonel James Bourland, with memoranda of instructions.
91	October 4, 1858	Governor commissions James Bourland.
92	October 8, 1858	Governor to Secretary of War.
93	November 2, 1858	Governor's instructions to John S. Ford.
94	November 10, 1858	Governor commissions John S. Ford.
95	November 10, 1858	Governor commissions lieutenants.
96	January 8, 1859	Second Auditor to Adjutant General United States Army.
97	January 8, 1859	Memoranda of payments to six companies.
98	January 11, 1859	Secretary of War to Senate Military Committee.
99	January 17, 1859	Commissary General Subsistence to Adjutant General United States Army
100	January 29, 1859	Quartermaster General to Adjutant General United States Army.
101	February 1, 1859	Adjutant General to Secretary of War.
102	February 2, 1859	Secretary of War to Senate Military Committee.
103	March 19, 1859	Governor's receipt for Bourland's rolls.
104	April 5, 1859	Decision of Secretary of War.
105	June 6, 1859	Governor's peace commission for Brazos agency.
106	July 1, 1859	Extract from roll of company called out by peace commissioners.
107	July 14, 1859	Decision of Secretary of War.
108	July 16, 1859	Decision of Secretary of War, (on page 375, Senate Document No. 2, first session, Thirty-sixth Congress.)
109	October 13, 1859	Governor to W. G. Tobin.
110	November 17, 1859	Governor to John S. Ford.
111	January 23, 1860	Governor to to J. M. Swisher.
112	February 28, 1860	Governor to Secretary of War.
113	March 3, 1860	Second Auditor to Secretary of War.

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List of papers—Continued.

No.	Date.	From and to whom.
114	March 12, 1860	Third Auditor to Secretary of War.
115	March 14, 1860	Secretary of War to governor. (See page 145, House Executive Decument 52, first session, Thirty-sixth Congress.)
116	March 31, 1860	Secretary of War to Senate Military Committee.
117	September 11, 1860	Secretary of War to secretary State of Texas.
118	November 15, 1860	Decision of Secretary of War, *necessity*.
119	December 17, 1860	Secretary of War to governor.
120	January 25, 1861	Governor's certificates.
121	February 13, 1861	Second Auditor to Secretary of War.
122	February 23, 1861	Third Auditor's report approved by the Secretary of War.
123	February 23, 1861	C. R. Johns to Second Auditor.
124	February 23, 1861	Third Auditor to Secretary of War.
125	May 11, 1861	J. M. McCormick's affidavit.
126	May 13, 1861	R. W. Black's affidavit.
127	May 12, 1871	Act of legislature of Texas.
128	October 28, 1871	Governor to James P. Newcombe.
129	October 28, 1871	Memoranda.
130	November 11, 1871	James P. Newcombe to Secretary of Treasury, referred by letter to Secretary of War.
131	November 16, 1871	James P. Newcombe to Secretary of War.
132	November 16, 1871	Secretary of War to James P. Newcombe.
133	November 18, 1871	James P. Newcombe to Secretary of War.
134	January 18, 1872	Resolution of House of Representatives.
135	January 19, 1872	Secretary of War to House of Representatives.
136	....	Abstract of first amount claimed.
137	....	Abstract of second amount claimed.
		SUPPLEMENT.
138	August 25, 1856	Act of legislature for relief of Boggess.
139	November 11, 1856	Levi English's power of attorney to H. W. Sublett.
140	——— 1872	Pamphlet—Piedras Negras's claims in the American and Mexican Joint Commission.

WAR DEPARTMENT, *April* 27, 1872.

This is to certify that the papers hereunto annexed and numbered 1–60, 60½, 61, 61½, 62, and 64–139 are true copies of originals or certified copies of papers found at this office.

THOS. H. BRADLEY,
First Lieutenant Twenty-first Infantry, Brevet Captain United States Army.

No. 1.

WAR DEPARTMENT, *Washington, September* 30, 1852.

SIR: The President has referred to this Department your excellency's letter of the 20th ultimo, with the documents therein inclosed. Your excellency says that repeated representations have been made to this [your] Department by all the most influential and respectable residents of the Rio Grande Valley, of their desperate situation and the insecurity of life and property in that section of the State, occasioned by the total inadequacy of the present military establishment in Texas to check the murders and depredations of lawless bands of Indians and Mexicans, and that, in consequence of these representations, you had felt it your duty to take immediate steps for the relief of the Lower Rio Grande, and with that view had called into the service of the State three companies of mounted volunteers, (numbering in all about two hundred men rank and file,) for the period of six months, who are to act in concert with the United States troops stationed in that quarter. Your excellency concludes by requesting that the "General Government will recognize the services of these volunteer troops, and make such further and more permanent disposition as upon examination shall be found necessary to restore that peace and security to which that [this] unfortunate country has so long been a stranger."

You inclose various communications made to you by citizens of Texas on this subject.

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Your excellency is probably aware that the Executive has repeatedly informed Congress that the military establishment of the country was inadequate to the protection of its widely extended frontier, and recommended that it be authorized to raise additional force for that purpose. Congress has seen fit to disregard these recommendations at a time when the necessity for their adoption was more apparent that it is at present. Before the last adjournment of Congress, it was well known that there was reason to apprehend an extensive outbreak of the Indians on the frontier of Texas, and the very facts communicated in your excellency's letter must have been known to the Senators and Representatives of your State in Congress. Nevertheless that body adjourned without taking any steps on this subject.

Within a few weeks past the Department has been informed by the reports of its officers, not only that the rumors that the Indians were preparing extensive hostilities were unfounded, but that, in fact, (with a few partial exceptions,) they have not been for a long time as peaceably disposed. All accounts concur in representing the Comanches as unusually quiet; and, by advices received from Colonel Sumner, it appears that treaties of peace have been concluded with the Navajoes and the Apaches, (the most powerful nations on the confines of New Mexico and Texas;) that there are now treaties of peace with all the Indians in New Mexico, and that, with the exception of some of the roving bands of the plains, the Indians in that section of the country have ceased to be troublesome.

Under these circumstances, even if there were a manifest necessity for an additional increase of the military establishment, the Executive would hesitate to call into the service of the Government a description of force which, while it is far less effective than that which Congress has refused to authorize, is more expensive. But the President is not satisfied that the facts contained in the papers transmitted by your excellency would warrant him in taking this step. The only law under which the President could exercise the power referred to, is the act of February 28, 1795, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, and to repeal the act now in force for those purposes." It appears from these papers that the neighborhood of El Paso and Brownsville has, for several months past, been infested by lawless persons, who traverse the country, singly or in small parties, driving off cattle and occasionally committing murders; that the perpetrators of these acts are principally Indians, Mexicans, and half-breeds; but that lawless and reckless persons, professing to be citizens of Texas, also participate in them; that, in consequence of the fears occasioned by these disorders, some of the inhabitants have been compelled to abandon their homes; that the civil authorities were powerless to put a stop to these outrages, the officers of justice not being able to collect a sufficient civic force to execute processes, &c.

There is reason to suspect that these statements are somewhat exaggerated. Besides the natural tendency of persons while under the influence of fear to magnify the danger that occasions it, some of the signers of these papers have a strong motive to do so.

It is well known to this Department that the inhabitants in the neighborhood of military posts have other reasons for wishing them to be kept up besides the protection they afford. The Department, therefore, is frequently urged to establish posts where there is no real necessity for them; and whenever troops are ordered away from one, alarming accounts of Indian hostilities are invariably set afloat. In addition to this, many young men are always found who are anxious to enroll themselves as volunteers, and there is no part of the frontier from Oregon and California to Florida where similar applications have not been made; but in every instance they have been rejected. To what extent these remarks apply to the accounts contained in the papers transmitted by your excellency, I am unable to say. I will merely remark that the commander of that department positively pronounces several of the statements contained in them entirely unfounded, and does not recommend that these volunteers be received into the service of the United States.

Supposing, however, these accounts to be strictly correct, the outrages and disorders complained of (except when committed by Indians) are hardly such as this Government ought to be called upon to repress. The perpetrators of these acts, whether Americans or Mexicans, are not public enemies, to be encountered by the Army of the United States, but private malefactors, be arrested and punished by the civil authorities of Texas. If the means which these authorities have at their disposal are not sufficient to enable them to do this, and the government of Texas finds it necessary to call out her own militia to execute her own laws and to defend her own citizens against robbers and murderers, surely it ought not to expect the United States to pay the expenses of the proceeding.

It must be borne in mind, too, that the disorders complained of have been brought about in part by citizens of Texas themselves. It is well known that many of the inhabitants of that State were directly or indirectly concerned in the criminal enterprises of Caravajal, in violation of the laws of their own country, and, no doubt, in opposition to the wishes of the peaceable and law-abiding portion of the inhabitants of Texas.

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It was to be expected that the inhabitants of Mexico would seek in some way or other to retaliate upon them, and the Indians in the neighborhood have availed themselves of this opportunity to renew their predatory incursions into the country. The number of these, however, judging from official reports to this Department, is much exaggerated in these papers. In addition to these, mercenary vagabonds and outlaws within our limits, who had flocked to the standard of Caravajal, finding themselves disappointed in their hopes of plunder in the Mexican territory, naturally seek to indemnify themselves in our own.

The President direct me to assure your excellency that he sympathizes deeply with the sufferings of the good people of Texas, who are thus made to suffer for acts in which they did not participate, and that he will do all that he can, with propriety, to arrest them.

The officer in command of that department reports that, in view of the troubles on that frontier, he had already ordered to that quarter five companies of mounted riflemen. Orders have also been given to fill up all the companies stationed there with their complement of men. One of the papers transmitted by your excellency mentions that the officer at a military post had been unable to render any assistance in punishing the authors of these atrocities, because his men were unprovided with horses. That is very possible. Congress, in spite of the earnest and repeated remonstrances of the Department, having failed within a few weeks past to appropriate money for the purchase of horses, the Department found itself unable to supply them. Since the Department has been provided with funds for the purpose, measures have been taken to supply the requisite number of horses.

From reports received from Colonel Sumner, it is rendered highly probable that the portion of the forces under his command that had for a temporary purpose been ordered from the Texas frontier to Santa Fé have, before this, resumed their former stations.

Representations have also been made to the Mexican government in regard to the alleged participation of officers and citizens of that country in the outrages complained of. It is hoped that these measures, together with the exercise of a proper degree of vigilance and energy on the part of the citizens and government of Texas, will suffice to restore tranquillity and peace to that region of country.

Very respectfully, your obedient servant,

C. M. CONRAD,
Secretary of War.

His Excellency P. H. BELL,
Governor of Texas, Austin, Texas.

No. 2.

WAR DEPARTMENT, *Washington, June* 19, 1854.

SIR: From your reports of the various conflicts which have taken place with the Indians on the frontiers of Texas and the constant outrages committed by them on the defenseless inhabitants of that State, the Department is induced to believe you may need the aid of additional troops, which it will not be in its power to furnish. Your representation of the great want of recruits to fill up the reduced companies under your command is received with the greater regret because of the slow progress of the recruiting service, which state of things, it is feared, will not improve unless our hopes of increased pay for the soldier, as recommended to Congress, should be speedily realized.

Under these circumstances, it is deemed advisable to authorize you to call upon the governor of Texas for aid, should the exigencies of the service require it, in repelling Indian invasions, and in such event you will make requisition for such number of mounted men as you may from time to time deem necessary, who, while in service, will be supplied with ammunition, forage, and subsistence by the United States.

Very respectfully, your obedient servant,

JEFF. DAVIS,
Secretary of War.

General P. F. SMITH, U. S. A.,
Commanding Department of Texas.

No. 3.

HEADQUARTERS DEPARTMENT OF TEXAS,
Corpus Christi, July 29, 1854.

SIR: Your letter of the 19th of June authorized the calling on the governor of Texas for mounted men under a certain contingency. I have awaited the receipt of such information as would enable me to act with some certainty that I was not misled, but

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nothing new has reached, except a report from Colonel Loomis, which he thinks reliable, that some bands of Indians are assembling on the Mexican side of the Rio Grande.

I have waited until now for the arrival of the topographical instruments required last December from Colonel Abert before setting out to establish a site of a post near Presidio del Norte. Having waited as long as I could, I am now about to start, and have written to governor of the State a letter, a copy of which I inclose. I have postponed the time of calling the men into service the 1st of November, both to allow events to develop themselves in the mean time, and because, by the beginning of the winter, so many men will have been discharged from the mounted corps that these will be very weak. I presume the governor will urge that rifles and revolving pistols be provided. There will be time to receive his application in that case.

The expenditures in the Quartermaster's Department will be very much increased by the mounted men. The chief quartermaster reports that with the last remittance came a notice that it filled all the requisitions from this department for the fiscal year ending the 30th of June. By the records here, on the contrary, it appears there is still a deficiency of $52,000 unsupplied on the estimates sent forward.

With this deficiency to begin with, and the great additional expense in prospect, the service of the Quartermaster's Department will be very difficult.

There will be time to send supplies of provisions from Baltimore to Indianola, directed to Austin, before the companies, if called out, will want them.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Hon. JEFFERSON DAVIS,
Secretary of War.

[Indorsement.]

The instructions of June 19, 1854, authorize General Smith, should the exigencies of the service require it in repelling Indian incursions, to make requisition upon the governor of Texas for such number of mounted men as might, from time to time, be deemed necessary by the general commanding, the men so called into service to be supplied with ammunition, forage, and subsistence by the United States.

General Smith, in his letter to Governor Pease, says, "If the only evil to be avoided were the direct injury from Indian incursions I should not think the contingency contemplated by the Secretary had arrived."

No authority was given to call out the militia for any other purpose than that indicated. This was expressly limited to the case of an exigency which rendered that resort necessary, and the phrase "from time to time" was intended for such temporary service as incursions should require. No power exists, without special legislation, to call forth militia for such objects as the promotion of settlement and agriculture, or for a term as long as that proposed.

JEFF. DAVIS,
Secretary of War.

WAR DEPARTMENT, *August* 24, 1854.

No. 4.

HEADQUARTERS DEPARTMENT OF TEXAS,
Corpus Christi, July 29, 1854.

SIR: I have been instructed by the Secretary of War "to call upon the governor of Texas for aid should the exigencies of the service, in your opinion, require it in repelling Indian incursions, and in such an event you will make requisition for such number of mounted men, from time to time, as you may deem necessary, who will, while in service, be supplied with ammunition, forage, and subsistence by the United States."

If the only evil to be avoided were the direct injury from Indian incursions I should not think the contingency contemplated by the Secretary had arrived, for so many of the reports spread by the papers are, to my own knowledge, so entirely fabrications, that the case presented by the actual fact is not such as to require more force than is now here. But there are, doubtless, other serious evils that follow murders and robberies that have really happened, and the greatest is the sense of general insecurity on the frontier, which interrupts industry and prevents an increase of population on the border, where it is most desirable as the best means of defense.

If, in the opinion of your excellency, the presence of additional troops on the frontier is necessary to repel actual incursions, I would be unwilling to set my own belief in opposition to that of yourself, who represent the belief and wishes of the people most

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interested; and if, in the second case, you think a feeling of security so necessary and beneficial to the border settlements could only be produced by adding to the troops there, I would take your opinion as the rule for my action, and decide that the case contemplated had arrived in which I was to call on your excellency for mounted men.

But as the raising and support of temporary troops are very onerous, both to the Government and troops themselves, it is very desirable that they should be selected with care for the particular service they are destined for, and should be well mounted and armed. I would propose, then, that, if your opinion is in favor of calling more companies into service, on the 1st day of November next six mounted companies should be called into service, on which day four of them will be mustered into the service of the United States for twelve months, unless sooner discharged, at or near Fort Martin Scott, and two of them at or near Fort Worth. This would give two months to raise and organize and arm the companies. They would be during the winter placed on the frontier, and I would in the spring, as soon as the grass would answer, make two expeditions into the Indian country and endeavor to inflict a blow which should insure the tranquillity of the border for the future.

If your excellency will do me the favor to send your reply in duplicate—one to this place, inclosed to the assistant adjutant general, and the other to the care of the assistant quartermaster at San Antonio, to be forwarded to me by express on my route to Las Moras.

It is to be observed that the troops are to be "supplied with ammunition, forage, and subsistence by the United States." Of course they are to provide their arms, horses, and equipments. The supply of revolver-pistols was a limited one, and I presume is exhausted.

As there has been no appropriation for paying these men they will have to wait until the law provides for their case.

The legal organization of a mounted company is as follows: One captain, 1 first and 1 second lieutenant, 4 sergeants, 4 corporals, 2 buglers, 1 farrier, and 74 privates.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

His Excellency E. M. PEASE,
Governor of the State of Texas.

No. 5.

FORT CHADBOURNE, TEXAS, *July* 30, 1854.

SIR: Information has reached me, through the chiefs of the southern bands of Comanches living near this post, that large war parties are being formed and some of them are actually at present on their way to the Rio Grande. I deem this of such importance as to make the matter a special and immediate report to the commanding general of the department. Although the object of this movement is stated to be the revenge of the massacre of a large party of the Comanches by the Mexicans a few months since, I am inclined to think, from circumstances which have come to my knowledge, that the intention may be to depredate also on this side of the Rio Grande, should a favorable opportunity present itself. I am led to this conclusion by developments made by a captive Mexican boy whom I have taken from them. This boy, of whom I had heard and was anxious to get possession, was brought in during the night by a Mexican who has lived long among them, under the promise that his agency in the escape should be kept a secret from the Comanches.

The boy says that his name is Vivian Lopez, and that he is fourteen or fifteen years of age. He makes the following statement of the circumstances of his capture, &c.:

His father, Cicilia Lopez, lives near Corpus Christi, and is connected in business with Mr. Gilbert Rodgers, of that place. While out hunting mustangs some three months since with his father and another relative, he, being separated a short distance from them, was seen and pursued by a party of Indians, struck from his horse, and captured.

He does not know what became of the others. The Indians proceeded to Laredo, where they stole a Mexican boy and some horses. The boy they killed that evening. From Laredo the band proceeded toward Fort Merrill, according to the boy's statement, but I am under the impression that he mistakes that post for Fort Ewell; and on the Laredo road, near where it parts from that leading to Guerrero, they attacked a train of fourteen Government wagons, killing five teamsters and capturing some hundred mules. The party then proceeded, without the exercise of much caution, in this direction. They were overtaken by a party of soldiers while in camp, several of them killed or wounded, and the mules retaken. This band consisted of twelve men, led by Ecanodie, the half-brother of Toshaway, the principal war-chief of the Southern Comanches, to which band all of the party belonged. The captive boy made his escape yesterday morning and was brought in last night. This morning early, Tosha-

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way, accompanied by the wife of Ecanodie, came in to inquire if anything had been heard of the boy. I stated to them that the boy had claimed my protection and that I should retain him. They then demanded a ransom, which I declined giving. Toshaway is the war-chief who commanded the party which was destroyed by the Mexicans not long since. I sent for Sanaco and Ketumsey, principal chiefs, whose camps are only a few miles distant, and held a long talk with them through Jim Shaw, a Delaware interpreter. They expressed themselves satisfied regarding the boy, and acquiesced quietly in his being retained. The chiefs appeared to be somewhat alarmed, and volunteered the information that large parties had been formed and were still forming among the Northern Comanches, amounting already to near four hundred men; that runners had been sent inviting them to join. Some of their young men had already left, but they had not made up their minds whether they would take part. These parties were—some of them—now on the way. I would mention, in this connection, that these Indians do not appear nor can they be made to understand that it is wrong to engage in hostilities against the Mexicans. They speak openly about it on every occasion. They do not appear to think that the Government or its agents have acted in good faith, and feel, as far as I can judge, little restraint or obligation under existing treaties. It is, however, due to them to say that since I have been in command they have acted in a friendly and consistent manner, apparently more out of a policy of their own than any feeling of treaty obligations.

Ecanodie and his party are again absent, the boy thinks, on another expedition toward the Rio Grande. The statement of the boy and the information of the movement of the war parties are given in substance, as nearly as possible, as they came to me. The interpreter used—Jim Shaw—is a well-known and intelligent Delaware. He places full confidence in the statement of the chiefs. In view of the want of confirmation of the boy's statement, the absence of the Indians principally engaged, and the general commitment of the whole tribe, I have determined to push the matter no further for the present, to treat the Indians as usual, watch them narrowly, and await instructions, should nothing more occur from the general commanding the department.

I have stopped the sale of powder and lead by the sutler and other traders in the vicinity, and shall endeavor to use to the best advantage the limited means which the strength of the command—not more than seventy strong—places at my disposal.

Expresses have been sent to Forts Belknap and McKavitt.

I am, sir, very respectfully, your obedient servant,

P. CALHOUN,
Captain Second Dragoons, Commanding Post.

Major D. C. BUELL,
Assistant Adjutant General Department of Texas, Corpus Christi, Texas.

No. 6.

FORT CHADBOURNE, TEXAS, *August* 2, 1854.

SIR: Since my letter of the 30th, additional information has came to my knowledge which I have the honor to report. I mentioned in that communication that Ecanodie had returned to the Rio Grande, it was supposed. Yesterday evening the same Mexican who assisted the boy Lopez to escape informed me that the Comanches had just received news that Ecanodie and four of his party had been killed in a fight below. These are evidently the Indians with whom Captain Van Buren is reported to have had a fight.

Jim Shaw, the interpreter, reports the following additional, which he gets from Ketumsey: That some thirty or forty of his band have already left, and that probably more will do so; none of the chiefs have taken part. He (Ketumsey) thinks that the whole force going to Mexico will amount to six hundred; they have passed far to the west of this, and intend crossing the Rio Grande some sixty miles below the Presidio del Norte, their gathering-point being in Mexico, not far from the Rio Grande.

From this point they intend attacking the town near which the late massacre of their people took place. Ketumsey denies that the Indians killed by Captain Van Buren belonged to his band; he says they were Northern Comanches, his men being killed by the Lipans, in Mexico. The evidence is, however, strongly to the contrary.

While I was writing, Lieutenant Tyler, with a scouting party from Fort McKavitt, came in. I had heard of the approach of this party, and determined to strengthen and send it on a reconnaissance in a northwesterly direction; it has been increased to forty, and is now preparing to leave, under the command of Lieutenant Tyler, accompanied by Lieutenant George B. Anderson. I fear it may be turned back by the want of water, as the country in the direction in which it goes is represented as being very deficient in that respect.

In your letter of the 15th of July you say that "the general regrets to hear that it is

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the intention of the Indian Bureau to locate any bands of Indians in the neighborhood of your post." The phraseology of my letter may have led the general to a wrong conclusion. This particular region has always been a favorite hunting-ground for the Southern Comanches, and wherever the military post was situated they would, when at peace, frequent its neighborhood for trading and other purposes. Their camps are seldom more than ten miles distant, and frequently within a mile of the post. They camp around the post in parties of from twenty to three hundred. I have seen more than a hundred warriors in at a time. The term "near" was comparative and not meant to convey the idea of immediate vicinity. The location would probably be miles distant. The Mexican captive, Lopez, I will send to Corpus Christi by the first favorrable opportunity.

I am, sir, very respectfully, your obedient servant,

P. CALHOUN,
Captain Second Dragoons, Commanding Post.

Major D. C. BUELL,
Assistant Adjutant General Department of Texas, Corpus Christi.

No. 7.

EXECUTIVE OFFICE, AUSTIN, TEXAS, *August* 8, 1854.

SIR: I have the honor to acknowledge the receipt, by the last mail, of your letter of the 29th of July.

In reply, I have no hesitation in saying that I believe an addition to the troops now in service in this State is necessary to produce a feeling of security with the inhabitants residing on and near the frontier. This belief is based upon a knowledge of the many murders and outrages that have been committed by the Indians within the last six months and upon the numerous communications that have recently been made to me of the opinions of those inhabitants on this subject. I therefore feel authorized, from the tenor of your letter, to call out six companies of mounted volunteers, to be mustered into the service of the United States at the time and places indicated by you for twelve months, unless sooner discharged.

I fully concur with you in relation to the care that should be exercised in selecting these troops, as well as the necessity for their being well mounted and armed, and as so long a time is allowed for raising them, I am satisfied that I can send you a force well suited for the service in which you propose to employ them.

Very respectfully, your obedient servant,

E. M. PEASE.

Brevet Major General PERSIFER F. SMITH.

No. 8.

FORT DUNCAN, TEXAS, *August* 12, 1854.

SIR: I have the honor to submit to the commanding officer the following information concerning the Indians that have crossed from this side of the Rio Grande into Mexico. The information I believe to be in the essential parts reliable. The Seminole Indians live at or near Santa Rosa, upon lands furnished them by Mexico, which they cultivate. They have houses, cattle, and mules. They have about fifty warriors and a number of negroes. These Indians are under the immediate control of Wild Cat, their chief, and they are subject to the military orders of Colonel Castefiado, the inspector general of the neighboring colonies. I look upon the Seminoles as a military colony, under Wild Cat, and his warriors are colonial troops. As colonial troops they were employed against the party of Caravajal, and rendered efficient aid in the fight at Ceraloo in Tamaulipas. It is believed that they are again to be employed for a similar purpose, to guard the passes of the Rio Grande in this vicinity and prevent any parties crossing to aid the reputed revolutionists, and they would probably be used against any faction opposing Santa Anna. These Indians are known to have a bitter hatred for many of the residents of this side of the river. They are well acquainted with all the positions of the live-stock raised and kept on this side, and have an intimate knowledge of all the fords of the Rio Grande. Under these circumstances, they would undoubtedly be very troublesome neighbors, particularly if their natural impulses to steal are stimulated by encouragement or countenance from the other side. That such countenance and protection have previously been given is well known.

The Seminoles crossed to this side and stole a large number of animals in the mouth of March; after crossing the river they went directly to San Fernando, and in the

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presence of the authorities, civil and military, boasted of what they had done, and publicly announced (Mr. Harrison can make affidavit to the fact) that they, (the Seminoles,) and particularly Wild Cat, did this with the knowledge and consent of General Cordona, of Coahuila, and that he could not sell the animals again to their proper owners because he was only entitled to half; the other half was to be delivered to his excellency the governor. No steps, as far as can be ascertained, have been taken to disprove the evidence of the Indians, and the boldness of the act, together with the cool impudence with which they answered any inquiries on the subject, seem to indicate something very much like protection. All the above, I believe, can be readily proven. I do not think the Seminole Indians have committed depredations since the above affair.

The Lipans are reported to be under their chiefs, Coyote and Castro; said to number one hundred and fifty warriors. They seem to be confined to no particular spot: for some time past they have been in the vicinity of San Fernando. There is but one there now, and he appears to be used as a courier, to look up and carry orders to the others, as they seem to be under the command and are well known to be under the military protection of Colonel Casteñado. These Indians are only at peace with the State of Coahuila, (which embraces the opposite town.)

The people of the neighboring State of Tamanlipas raised a force and came against these Lipans, but Colonel Casteñado turned out with a a much larger force to protect the Indians, and the Tamanlipans had to retire. One hundred Lipan warriors presented themselves to Colonel Casteñado and wished to be led against their enemies, but their services were declined. This made the Indians suspect treachery, and they withdrew to the mountains, and it is reported that Castro has returned to his old position near Las Moras. I do not know upon what the report is founded. It is generally believed that the Lipans have been sent for to aid the Seminoles in guarding the frontier from filibusters, and the interior from revolutionists. I could find no particular charge against the Lipans having stolen from this side since they crossed, but they have animals in their possession they do not own, and some of which are reported to have Government marks.

I am, sir, very respectfully, your obedient servant,

S. B. HOLABIRD,
Second Lieutenant First Infantry.

Lieutenant R. W. JOHNSON,
Adjutant First Infantry.

NOTE.—I was told that the horse stolen from General Smith, at Fort Duncan, was bought by a secretary of Governor Cordona, and those knowing the fact think he was aware where the horse came from and how. The horse was said to be sorrel. A mule was carried over at the same time, but where it was taken I could not ascertain.

S. B. HOLABIRD,
Second Lieutenant First Infantry.

No. 9.

HEADQUARTERS DEPARTMENT OF TEXAS,
Fort Duncan, (Eagle Pass,) August 17, 1854.

COLONEL: I authorized and directed the commanders of the posts on this river to send agents into Mexico, to learn what the bands of Indians are doing there.

Lieutenant Holabird, acting assistant quartermaster, having to visit the opposite side in relation to the purchase of corn, was enabled to ascertain on the spot, and from reliable sources, the information which is contained in his report, which I inclose.

It will be seen that the number of Indians under Wild Cat has been much overrated and the intentions of his band misstated, but the evil comes from the band of Lipans, who are stationed by the Indian agent on the Nueces. I also inclose a report of Captain Calhoun, from Fort Chadbourne, in relation to the Comanches, brought to the neighborhood of that post through the Indian agent, who does not appear to be with them or to have any one to watch or advise. It appears to me that everything is done to make it difficult for the military to protect the frontier.

I am on my way toward the Presidio del Norte and El Paso, with the view of establishing the site of Colonel Seawell's post, and driving off the Mescaleros and Lipans about the head of the Limpia.

I take with me an escort of a company of mounted riflemen, with a detachment of twelve men of the same regiment, having a prairie howitzer, under Lieutenant D Maury, the whole under Captain Walker, regiment of mounted rifles.

From what I see of the prairie carriage and howitzer, I am convinced of its great utility on this frontier, and would respectfully ask that ten more be sent to the ordnance depot at San Antonio.

Referring to the diminished number of the troops here, I mention that, at Fort

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McIntosh, I found Captain Elliott's company of mounted riflemen with fifteen men for duty in it, and here I find Captain Caldwell's company of the First Infantry with six men for duty. After the lapse of a year he will have not one man remaining.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General.

ADJUTANT GENERAL'S OFFICE, *September* 12, 1854.

Respectfully submitted to the Secretary of War.

S. COOPER,
Adjutant General.

No. 10.

HEADQUARTERS DEPARTMENT OF TEXAS,
Camp on the Piedras Pintas, (eight miles west of Fort Clark,) August 20, 1854.

Colonel S. COOPER, *Adjutant General of the Army:*

I arrived here yesterday morning on my way to examine the country about the Presidio del Norte, the head of the Limpia, and to the neighborhood of El Paso. I was joined in the evening by Captain Walker's company of mounted riflemen, which I take as escort, and expect to-morrow a train from San Antonio with supplies, and will continue my route on the 23d. I shall probably be absent until the beginning of December, but communications addressed to me at Corpus Christi will reach me by express.

The Lipan Indians who were in Mexico along the Rio Grande having been alarmed by measures taken against them, they have come over on this side and are now encamped near Fort Clark. They profess friendship, but were undoubtedly engaged in depredations across the river from Mexico. They now fear an attack from the Comanches, of whom Captain Calhoun's letter of August 2 speaks, dated Fort Chadbourne. I have taken measures to have troops to meet this expedition when it comes down.

I have made an absolute call on the governor of the State for six mounted companies and would desire that five hundred rifles and equipments and as many of Colt's revolvers be sent to Lieutenant McNutt's ordnance depot at San Antonio, and that two hundred Sharp's carbines, with Maynard's primers, be also sent, furnished with two hundred rounds of cartridges and two hundred and fifty primers of the latest manufacture for each one.

I cannot communicate with San Antonio, so as to have the requisition made by the ordnance officer there and approved by me. These arms will be issued only in case of necessity.

I inclose a copy of the answer of the governor of the State to my communication of the 29th of July. There is a great deal of sickness among the troops, owing, no doubt, to the unusually wet weather this season, and it will continue until cold weather. Many suffer from the scurvy, for want of lime-juice, the best anti-scorbutic.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

ADJUTANT GENERAL'S OFFICE, *September* 12, 1854.

Respectfully submitted to the Secretary of War.

S. COOPER,
Adjutant General.

No. 11.

WAR DEPARTMENT, *Washington, August* 24, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, with a copy of one from the Secretary of the Treasury, inclosing a communication from S. Powers, collector of the customs at Point Isabel, Texas, stating the probability that measures are being concerted by certain disaffected Mexicans on our frontier to nvade Mexican territory.

In reply, I have to inform you that the general commanding the Department of

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Texas is possessed of full authority from the President to prevent the carrying on of any such expeditions from any place wishin the limits of his command.

Copies of the papers will, however, be sent to General Smith, and his attention called to the subject.

Very respectfully, your obedient servant,

JEFF. DAVIS,
Secretary of War.

Hon. W. L. MARCY,
Secretary of State.

No. 12.

ADJUTANT GENERAL'S OFFICE,
Washington, August 25, 1854.

GENERAL: Your communication of July 29, inclosing your correspondence with the governor of Texas, in relation to calling out volunteers for the defense of the frontiers of that State, has been received by the Secretary of War, by whom I am now instructed to state that you appear to have misconceived the instructions of June 19, 1854, "in which you were authorized, should the exigencies of the service require it in repelling Indian incursions, to make requisitions upon the governor of Texas for such number of mounted men as might, from time to time, seem necessary."

No authority was given to call out the militia for any other purpose than that indicated; this was expressly limited to the case of an emergency which rendered that resort necessary, and the phrase "from time to time," was intended for such temporary service as incursions should require. No power exists, without special legislation, to call forth militia for such objects as the promotion of settlements and agriculture or for a term as long as that proposed.

The Secretary of War accordingly directs that your requisitions upon the governor of Texas for volunteer troops be made to conform to these views.

Very respectfully, general, your obedient servant,

S. COOPER,
Adjutant General.

Brevet Major General P. F. SMITH,
Commanding Department of Texas.

No. 13.

WAR DEPARTMENT, *Washington, August* 29, 1854.

SIR: I have received from General P. F. Smith a copy of his letter to you dated July 29, in relation to calling out mititia for the defense of the inhabitants of Texas from Indian aggressions.

In that letter, referring to the authority given him by this Department to call upon you for troops, he says that if the only evil to be avoided were the direct injury from Indian incursions, he would not think the contingency contemplated had arrived, for so many of the reports spread by the papers are, to his knowledge, fabrications, that the case presented by the actual fact is not such as to require more force than he now has; but that there are other evils, the greatest of which is the sense of general insecurity on the frontier, which interrupts industry and prevents an increase of population on the border, where it is most desirable as the best means of defense.

He than proceeds to say that if, in your opinion, additional troops are necessary, either to repel actual incursions or to produce a feeling of security in the border settlements, he will take your opinion as the rule for his action; and he accordingly makes a requisition, subject to your opinion of its necessity, for six companies of mounted men, to serve for twelve months.

Authority to call out militia is given by law only in cases of actual hostilities or of "imminent danger," and in strict pursuance of this authority General Smith was directed to call upon you "for aid, should the exigencies of the occasion require it in repelling Indian incursions." To produce a feeling of security in the border settlements is not, within the contemplation of law or the instructions of this Department, an object for which the militia may be properly called out, and it is manifest that, in his judgment, troops were not needed to repel Indian incursions. As he only, knowing the condition of the troops under his command, can judge of the necessity of re-enforcements, it has been deemed proper to apprise him that the Department disapproves the conditional requisition which he made for troops not deemed necessary by him for the

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object specified in the instructions, especially as the term proposed by him greatly exceeded that limited by law.

Although, under the views above stated, troops cannot be called out simply to give citizens a sense of security, it appears to me that the object might be in a great degree attained were it generally made known in the advanced settlements that General Smith has authority to call out and supply such force as he may deem necessary for their protection, whenever required, and that your excellency is prepared at any moment to furnish it.

Very respectfully your obedient servant,

JEFF. DAVIS,
Secretary of War.

His Excellency E. M. PEASE,
Governor of Texas, Austin, Texas.

No. 14.

HEADQUARTERS DEPARTMENT OF TEXAS,
"Painted Camp," on the Limpia, October 9, 1854.

COLONEL: I have the honor to acknowledge the receipt of your communication of the 25th of August, conveying the disapproval of the Secretary of War of my call on the governor of Texas for six companies for a year, if not sooner discharged, and directing me to conform to the views expressed in your letter and to the law, which I will accordingly endeavor to do as far as I can understand them.

The Indians, as will be perceived from the reports sent to you heretofore, are consatntly making hostile incursions, if that can be called an incursion which is made by Indians living within the State already. The reports made of their devastating the settlements, as published in the papers, were, many of them, untrue; but small parties formerly, and larger ones since, have entered within the line of posts and killed men and carried off cattle and horses, and attacked traveling parties sometimes successfully; though these can scarcely be said to have happened within the settlements, yet they have alarmed them, and induced some persons to abandon them. These depredations are not known till pursuit is too late, if the Indians, as they often do, immediately retire; to call out the militia to repel such incursions as they happen would be useless; troops ready prepared can hardly expect to overtake them, unless they accidentally fall on their trail, or receive instantaneous notice of the act and the route of the retreat; to call on the governor of the State for militia, and to await their being assembled and mustered into service, would not meet the emergency. I was consequently of opinion (on which I acted) that, when a hostile disposition, evinced by hostile acts, was evident, I was authorized to call upon the governor to furnish men to be prepared to meet such acts as were pretty sure to follow such a disposition. I thought the only question to be decided was whether the regular force under my command was sufficient to repel these incursions, or whether militia were necessary, and upon your information that no recruits could be expected I framed the call so as to furnish the additional force at a time when the regular troops would be as low in numbers as it would be safe to permit them to be. If, when the returns for October are in, you will observe the number of recruits necessary to fill up the companies, you will probably allow that the five hundred militia called out are hardly a compensation for the two thousand soldiers deficient.

When I speak in my letter to the governor of the effect the existing alarm may produce on the settlements, I do not mean to say that such alarm is to be considered, even if entirely without foundation, but that if some actual hostilities have produced an alarm which, under the circumstances, is unreasonably great, yet that alarm is an evil to be remedied among others attending the Indians incursions.

Having no laws to refer to, I was under the impression that the act under which volunteers were received into service in 1847 or 1848 for a year was not limited to the war, and on my arrival to take command of the Department of Texas, (then the 8th,) I found companies of volunteers in service for, I think, a longer period than three months; but whether I am correct or not in my impressions, I have here no means of ascertaining. To meet all circumstances, for you informed me there could be no hope of recruits, I asked for the companies for a year, "unless sooner discharged," thus reserving the right to dismiss them the moment they were no longer necessary.

I intended to employ them in a much more effectual way than by letting them wait to watch small parties that might come in, which was to organize one expedition or more against the tribes that were offending. It is only by a serious chastisement, repeated more than once, that these predatory expeditions can be repressed effectually, but as long as the tribes that furnish the marauders are protected by the Indian agents and kept near the frontiers, no effectual lessons can be given to them.

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As many hostile acts and incursions have been committed since my letter calling on the governor, and as the number of regular troops is diminishing daily, without any prospect of recruits as yet, I will renew the call on the governor for the six companies for "three months, unless sooner discharged," and employ them at once, part against the Indians in this neighborhood and part against the Comanches, and will discharge them as soon as their services are no longer necessary.

If I misconstrue the instructions you have transmitted and the intentions of the Secretary, I will be glad to learn at once in what particulars and how I shall correct my action. My sincere wish is to carry out exactly and effectually the views of the Department in all points.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *November* 9, 1854.

The view last taken, that is, to employ such additional force as may be necessary to repel incursion and to pursue and punish hostile Indians by making a campaign sufficiently protracted for the purpose, is in accordance with the views of the Department.

Exception was taken to the former call because it exceeded the power of the Executive of the United States, and because it was to provide garrisons, looking forward to a campaign at a remote period, before which it might be possible to furnish recruits and make the regular force equal to the wants of the service.

JEFF'N DAVIS.

No. 15.

HEADQUARTERS DEPARTMENT OF TEXAS,
Camp on San Pedro River, October 30, 1854.

COLONEL: On the 23d of this month I dispatched an express from the "Painted Camp" on the Limpia, after my return from the Presidio del Norte, with several communications to you, one of which gave my reasons for recommending that no post be established at the Presidio and that the companies of the Eighth Infantry now on the Limpia be continued there. I have placed them in a position which, as far as I am able to judge from the time I have spent there, is the most healthy and pleasant in Texas, having most excellent water, good grass, and plenty of fuel, at an elevation above the sea of about 4,700 feet, and being on one of the most important roads in the department and in the midst of Indian tribes that are daily committing outrages on travelers. This express, the day after it left my camp, was attacked, at first by sixteen Indians, who were soon joined by fifteen or twenty more, and the men were obliged to abandon their mules and baggage to be able to use their arms. Finally the Indians, seeming to value their mules more than anything else, pursued them, and the two men succeeded in making their escape, and returned toward the Limpia on foot. On the 24th I began my march, and met the men. I sent Captain Walker with thirty men to seek the trail of the Indians, but it was in a rocky place and he did not succeed in finding it.

Unfortunately in the same bag with the letters directed to Washington were the copies sent to my office in Corpus Christi, so that I have no record of what was sent.

I have been obliged to-day to make a long march, for want of water on the road, and cannot have time before the express must leave to write again what has been lost: and as I am going direct to Corpus Christi, I shall be there soon after any messenger I can send, and I will then present my views on the subject again. In the mean time I have established Colonel Seawell with his six companies there, (numbering less than two hundred men,) and have taken the liberty of naming it without reference to the Department, and I have called it Fort Davis. Among the papers lost was a report from Captain Arthur, First Infantry, in command of a temporary post on Oak Creek, giving an account of the Indians, twenty-eight in number, running off all his animals pasturing near the post, and of a pursuit by men on foot, in which Lieutenant Woods and Sergeant Michael Roke and a private, whose name will be found in the captain's report, sent by him to Corpus Christi, succeeded in overtaking the Indians, who were mounted, and they themselves being on foot, and killing two of them, and I had in my dispatch recommended Lieutenant Woods and the sergeant and private to the notice of the Department.

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Captain Arthur's post on Oak Creek and Captain Granger's on this stream are now both abandoned for the winter. I am taking the last detachments down with me.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General Commanding Department.

Colonel S. COOPER,
Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *November* 21, 1854.

No. 16.

WAR DEPARTMENT, *Washington, January* 23, 1855.

SIR: In answer to the resolution of the Senate of the 11th instant, "That the Secretary of War be required to lay before the Senate such information as may be in his Department in reference to such troops of the State of Texas as may now be, or heretofore have been, in service in that State, and who have not been paid by the Government of the United States, together with estimates of the amount necessary to pay said troops," I have the honor to state that the only troops which are believed to come within the terms of the resolution are the six companies of mounted volunteers called out by Major General P. F. Smith, commanding the Department of Texas, and mustered into the service of the United States at Austin, Texas, on the 1st of November last, to serve for six months. The muster-rolls of these companies not having yet been received at the Department, no exact estimate of the amount necessary to pay them can now be made. The one made by the Paymaster General, and submitted herewith, is conjectural, but the amount of it, $137,755.38, if appropriated, will probably be sufficient for the purpose.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Hon. J. B. BRIGHT,
President pro tem. of the Senate.



No. 17.

WAR DEPARTMENT, *Washington, January* 24, 1855.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a certificate of the comptroller of the State of Texas, showing amounts which have been appropriated by the State for the payment of the three companies of volunteers called out by its executive in the summer of 1852, and requesting that the amount necessary to re-imburse the State ($89,301.92) may be asked of Congress by this Department.

In reply I have to inform you that when these companies were called out by the governor of Texas he advised this Department of the fact, and asked that they might be received into the service of the United States. This, for the reasons given by the Secretary of War* in his reply to the governor, was not granted.

For the reason, therefore, that these companies have not been in the service of the United States, I cannot comply with your request that I should ask an appropriation of Congress to re-imburse the State of Texas the amount paid them. The decision of my predecessor controls my action in the case.

The resolution of the Senate relative to the volunteer companies of Texas at present in service, to which you refer, has been received and answered by the Department.

Very respectfully, your obedient servant,

JEFF. DAVIS,
Secretary of War.

Hon. P. H. BELL,
House of Representatives.

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* In paper No. 1.

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No. 18.

HEADQUARTERS, DEPARTMENT OF TEXAS,
Corpus Christi, March 10, 1855.

Colonel S. COOPER, *Adjutant General:*

Your letter of the 31st of January, inclosing the extract from a report of Major Neighbours, Indian agent, was duly received, and, in conformity with your directions, the volunteers were immediately recalled from the quarter toward which they had been directed; and as the object of employing them, to wit, carrying a war into the homes of the Indians who had been making hostile incursions into the interior of Texas, could not be carried out, they were ordered to be discharged. I must, however call your attention to the incorrectness of Major Neighbours's report.

His communication is dated at San Antonio on the 8th of January. On that day the volunteers had not yet arrived at Fort Chadbourne, a long ways this side of the position he assigned to them, and the command from Fort Chadbourne had not left it when you wrote, inclosing his report. Yet he alleges their presence on the upper waters of the Clear Fork as causing a disturbance among the Indians with whom he was treating. The band which attacked the train near Fort Ewell—that which was attacked by Captain Van Buren and which killed him—were detachments from these tribes that were then about Fort Chadbourne endeavoring to excite the other tribes to join them in hostilities. The reports of Captain Calhoun last summer show this fully. If they have joined themselves for protection to any band more peaceful, and under the control of the Indian agents, the latter should have taken measures to have the offenders given up. Major Neighbours cannot say that subsequent hostilities have been caused by the presence of the troops, for on the 1st of February Captain Calhoun's two companies of dragoons left Fort Chadbourne, and the volunteers had not been mustered into service at Austin and San Antonio until from the 1st to the 20th of December. Yet, by a report from Lieutenant Givens, Second Dragoons, stationed at Fort Belknap, dated the 6th of November, it appears that a party of these same Indians had committed depredations on the settlement between the fort and the reservation, and he had followed and detected the guilty, but for certain reasons had not arrested them. On the 10th of January Major Steen reports that he had, on the complaint of one of the settlers, gone to Senaco's camp after mules, stolen some time before from the settler; that on his way back Ketumsey, another chief, had overtaken him, with news that a German named Lindecker, living near Fort Chadbourne, had sent word to them that an expedition was to march against the Southern Comanches, and that thereupon Senaco and Buffalo Hump had fled with their bands to join the Northern Comanches. Now, Major Steen's report is dated the 8th of January, and the occurrences must have happened some days before, while the first of the volunteers did not arrive at Fort Chadbourne until the 10th of of January. Now, the fact is that this same party of Senaco and Buffalo Hump have sent detachments down into the settlements near Fredericksburgh, where they are reported to be killing cattle and men. I have ordered Colonel May to send a detachment to drive them out, and Captain Calhoun will on his return detach dragoons on the same duty.

The Lipans, under the protection of Major Howard, are following the same plan. An incursion was made a few days since across from Mexico, near Fort Duncan, and a young man killed who was in search of cattle. In defending himself he killed an Indian, whose body was not carried off; and when Captain Walker's company of rifles which was sent in pursuit, came to the ground, some of the men recognized the body as that of the Lipan Indian who had started with Captain King, First Infantry, in pursuit of Comanches, and had been turned over by him to Captain Van Buren, and accompanied the latter in the pursuit that ended in his death.

The Indian agents may be able to watch and control the tribes under their charge while they reside in San Antonio and the Indians are on the frontier, but they cannot even know correctly the movements of the troops or the facts that transpire at such a distance from them; and I will assert that all the Indian depredations committed within two years are to be attributed to placing the Indians too near the frontier without agents actually with them to control their actions, and that, far from the Indian agents having the right to complain that their measures for pacificating the Indians are obstructed by the action of the military, the latter have the right to complain that all their efforts to protect the frontier from Indian depredation are rendered nugatory by the plans adopted by the Indian agents.

Since my return from El Paso I have been preparing a full history of all the events of the summer and fall, and the clerks in the office have been employed in making copies of all the papers connected with it; but the current business is such as to occupy their time fully, and it will be some days yet before all the papers will be ready

If the riflemen and dragoons were filled up with recruits and horses, I can foresee no contingency that would require the employment of militia, but you are aware that when troops have charge of posts a certain number of men are necessary (whatever be

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he strength of a company) to remain at the post, and only the surplus are disposable, hough I have laid it down as a rule that the posts are to be considered as subordinate o service in the field, and, if it becomes necessary to abandon one, the post is to be eft to itself. I must say here, however, in justice to the whole command, that no men ould have better done their duty or conducted themselves in a better manner, under ll circumstances, than the troops of all arms have done—dragoons, riflemen, artillery, nd infantry—in a climate as severe and as unhealthy as any can be, and when there s not a single building at any of the posts that is really fit for quarters for officers or nen, and hardly a stable for horses. I cannot too forcibly express my satisfaction with heir good conduct on all occasions.

With high respect, your obedient servant.

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Respectfully submitted to the Secretary of War.

S. COOPER. *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *March* 24, 1855.

Read the portion of the letter referring to the complaint of Agent Neighbours, and to he necessity of requiring agents to reside with the tribes under their charge; will be opied and sent to the Secretary of the Interior. General Smith will be informed of he purpose for which the letter of Agent Neighbours was forwarded to him, and will be ssured of the confidence of this Department in the troops and commanding officers of he Department of Texas.

JEFF'N DAVIS[1]
Secretary of War.

WAR DEPARTMENT, *April* 11, 1855.

See letter to Secretary of the Interior, April 17, 1855.)

No. 19.

HEADQUARTERS, DEPARTMENT OF TEXAS,
Corpus Christi, March 14, 1855.

COLONEL: I have report from Major Simonson, R. M. Riflemen, commanding he expedition beyond Fort Davis, up to the 15th of February. He was thoroughly scouring the mountainous district north of the El Paso Road, and between Fort Davis and the Rio Grande. The Indians had left, he thinks, and gone northward, having received intelligence of the expedition. This is very probable, for I have already informed the Department that a party of Lipans, from the band established on the Nueces, near Fort Inge, by the Indian agent, had joined the Mescaleros, and kept up a regular communication with their friends near Fort Inge, by which they learned the strength and object of every party that passed that point on the road to El Paso.

Major Simonson has been as far north as Captain Marcy's road, and met Major Longstreet, Eighth Infantry, with a command out from El Paso, in the Guadelupe Mountains.

The explorations of Major Simonson and of Colonel Seawell near Fort Davis have had very valuable results, the former having discovered running streams of good water that may serve for temporary camps in the future and possibly give a better route for the El Paso Road; and the latter has found, by an examination made by Brevet Lieutenant Colonel Bomford, Eighth Infantry, fine pine timber within eleven miles of his post, and accessible by a wagon-road.

The company of Texas volunteers under Captain Henry, part of which had broken open the post-office at D'Harris, and pillaged the town, (some of them were afterward discharged for misconduct on the march toward Fort Davis, and of which the lieutenant, Jackson, was under arrest,) was ordered to be discharged; and I have now charges on hand against the captain for misconduct while drunk. The other two companies with Major Simonson appear to have been usefully employed; but on the receipt of your letter, inclosing Major Neighbours's remonstrance against the prosecution of expeditions against the Indians, they, as well as the companies with Captain Calhoun, were ordered to be discharged. But I trust that I shall be allowed to continue the movements against the Mescaleros and Apaches, so as at least to keep them out of reach of the roads to El Paso and Doña Anna, which I can do if the companies now here are filled up with recruits and horses.

On the subject of recruits, I would urge that they be sent out, if practicable, to arrive here on the 1st of December. When they come in the spring or summer they suffer from the fevers and dysenteries of the climate and country, and embarrass the command rather than aid it. I am aware that this has not been possible lately, for t is only since August last that recruits could be procurred.

My own regiment has been very unfortunate in this matter. It was at first filled up in 1846 with as good men as ever enlisted. These served during the war; but on their

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return in 1848 they collected a purse of seven or eight hundred dollars, and employed one of the agents about Washington to have a law passed discharging them, all of which he had done. They were entirely recruited anew, but with inferior men, and marched across the plains in 1849 to Oregon. In 1851 the men were all transferred to the dragoons in the Pacific division, and the regiment recruited the third time in six years and stationed here. They have now had no recruits for over two years, and some of the companies have not over twenty men. When filled up a large majority will be recruits, and another evil follow: that so many will have their discharges due at the same time that a large leaven of raw men will come into each company at once.

I delay making any plans for the summer until I know the purposes of the Department since the increase of the Army authorized; but will keep everything as far as possible in the most perfect state of efficiency for any design that may, under the new circumstances, be determined on. It is said at Brownsville that General La Vega and most of the troops in Tamaulipas are going south to aid Santa Anna against the revolution.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding.

Colonel S. COOPER,
Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General*

ADJUTANT GENERAL'S OFFICE, *March* 28, 1855.

No. 20.

HEADQUARTERS DEPARTMENT OF TEXAS,
Corpus Christi, March 23, 1855.

COLONEL: I have, generally, before the end of March determined on the plan of operations for the troops until called in late in the fall, but this year have postponed putting the troops in motion and, indeed, deciding how to employ them, as I knew plans for augmenting the military force were before Congress; and the result is known to wit, an increase of four regiments. The determination of the boundary-line under the Gadsden treaty may render more troops necessary on that line, and it struck me as likely that the department of Mexico would be re-enforced by the six companies of the eighth infantry now at Fort Davis under Lieutenant Colonel Seawell. If it were to be so—and Colonel Seawell informed me that he had heard that change was determined on—I would place the First Infantry there, and at Oak Creek, and the San Pedro, or at the Great Comanche crossing, and stretch the Fifth along the Rio Grande to cover the places vacated by the movement of the First; and if the rifles are filled with recruits, General Smith suggests, in a previous letter, that recruits for Texas should not be sent before the autumn, to avoid diseases incident to that climate in summer. The country is now so well known that no additional force will be wanted on the Rio Grande. But if any such movement is postponed, the companies and trains will be scattered and much time and labor lost in assembling them for the movement.

Indeed, whatever changes are contemplated, either in consequence of the increase of the Army or from new plans determined on by the War Department, they can be provided for now before the troops are put in the field with much more economy than afterward.

It seemed probable that some changes actually determined on would not and could not be carried into effect until the additional regiments are prepared to take their share in them; but if the Department sees fit to advise me of such of its intentions as are settled on, I can modify my own plans so as to aid rather than embarrass the movements to be made when the new troops are ready.

The grass is now coming forward well and the roads are in good order, the trains within reach, and the troops concentrated at their posts and refitted in clothing and equipments, and, without offering any suggestion as to what should be done, as I do not know the plans of the Department, I am sure I can carry them out more effectually now than at any later period, whether they relate to immediate action or to preparations for the future.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General*

ADJUTANT GENERAL'S OFFICE, *April* 7, 1855.

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It is not proposed to make such disposition of the new regiments as will interfere with the arrangements now being made in the Department of Texas.

JEFF'N DAVIS,
Secretary of War.

WAR DEPARTMENT, *April* 11, 1855.

No. 21.

HON. JEFFERSON DAVIS, *Secretary of War, War Department, Washington, D. C.:*

We, the undersigned, citizens of Gillespie County, State of Texas, beg to lay before the Secretary of War the following statement of facts, and hope he will give it his earliest attention:

On the 7th of February last, a party of Indians came down from the direction of Fort Terrett into the valley of Threadgale Creek, where petitioners have stock-farms, and killed with spears and arrows thirty head of fat beef-cattle. They made a second attack on our farms on the 30th of last month, and killed two head of beef-cattle and four hogs and drove off between one hundred and fifty and two hundred head of very valuable cattle, all these belonging to petitioners.

We beg further to state that, while the post at Fort Terrett was garrisoned with United States troops, we never had any Indians come into this valley, and felt quite secure in our lives and property; but, since that post has been abandoned, we have lost nearly all our stock, besides many valuable horses and mules.

We beg, at the same time, to acquaint the Secretary of War that our stock-farms are situated about one and a half miles from the road leading from Fredericksburgh to Fort Terrett, being distant twenty-five miles west from the former town, and we are now compelled to abandon these farms to save our lives, and have brought the remainder of our stock close to this town for more protection. Petitioners hope that the honorable Secretary of War will take the above circumstances into consideration, and, if he has any troops at present at his disposal, that he will afford us the necessary military protection we so much need on this exposed frontier.

J. E. DOSS.
WM. G. THOMAS.
CHARLES A. CAMPBELL.

FREDERICKSBURGH, *Gillespie County, Texas, April* 9, 1855.

THE STATE OF TEXAS, *County of Gillespie:*

I, F. Wrede, county clerk in and for the aforesaid county, hereby certify that J. E. Doss, W. G. Thomas, and Charles A. Campbell are persons to me well known, and are worthy of credit and belief; and I do further certify that the facts stated in the foregoing communication are true, and that the Indian hostilities in this county and vicinity are of such an aggrieved nature as to demand the interposition of the Government, by giving the citizens of this community immediate special protection.

Given under my hand and official seal this 12th day of April, A. D. 1855.

F. WREDE, *Clerk.*

Copy furnished General Smith, May 17, 1855, indorsed as follows: Copy for the information of the commanding general of the Department of Texas, who is desired to afford such protection in this case as may be in his power, consistent with the wants of other sections of his command and the interests of the public service.

Respectfully furnished, by order.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *May* 17, 1855.

No. 22.

WAR DEPARTMENT, *Washington, May* 12, 1855.

GENTLEMEN: I have received your letter of the 9th ultimo announcing the attacks upon your farms and killing of your cattle by the Indians.

In reply, I have to inform you that I have directed that the facts in your letter be communicated to Major General Smith, commanding in Texas, for such action on his part as will afford you all the protection he can give, consistently with the wants of other sections of the country and the interests of the public service.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Messrs. J. E. DOSS, WILLIAM G. THOMAS, and CHARLES A. CAMPBELL,
Fredericksburgh, Gillespie County, Texas.

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No. 23.

HEADQUARTERS DEPARTMENT OF TEXAS,
Corpus Christi, May 28, 1855.

COLONEL: I have the honor to acknowledge the receipt of your reference to me, date May 17, of the letter of J. E. Doss, William G. Thomas, and Charles A. Campbell, date April 9, complaining of Indian depredations on the 7th of February and 30th of March last.

When Senaco's band of Comanches were notified by the Texan settlers near Fort Chadbourne that they were to be attacked, a part of them made an incursion toward the settlement, and killed and drove off some cattle between the Colorado. Brevet Major Merrill, Second Dragoons, was detached by Major Steen from Fort Belknap with a strong party, who scoured the country near and beyond Fredericksburgh, and Brevet Colonel May detached Lieutenant Norris, Second Dragoons, with half of the strength at Fort McKavitt, who searched the country more to the westward. They found the Indians—in all about twenty-three—had retired, and a few days since, the whole frontier being undisturbed, the last of the detachments returned to its post. The object of the writers of the letter referred to seems to be rather to have troops again stationed at Fort Terrett than that any should be kept in motion through the country. It undoubtedly is greatly to the advantage of those persons who keep small stores that they should be near a post to which trains are frequently going, as the traffic with teamsters is very profitable; but, under ordinary circumstances, the troops moving over the country are more effective in keeping out Indians than those fixed at a post, and they are always ready for that duty, and prompt in performing it; and, unless I am otherwise directed, I will continue to employ in that way. The repetition of stories of depredations committed in the beginning of the winter, published in papers some distance off and copied again as new outrages, has multiplied, apparently, the number of incursions and amount of losses. There were many cattle killed for food, and some cattle and horses driven off, by Senaco's band in their sweep through the country, but the Indians have been for some time retired, and the agent, Major Neighbours, has, I believe, opened a communication with those who were hostile, which I hope will assist in pacifying them.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department

Colonel S. COOPER,
Adjutant General.

P. S.—We have here, on pretty good authority, the report that the Mexican states of Coahuila and New Leon have pronounced against Santa Anna, and that Tamaulipas is to join, and that a small Mexican garrison at Guerrero, about fifty miles below Laredo, had joined the insurgents.

PERSIFER F. SMITH.
Brevet Major General.

Respectfully submitted to the Secretary of War, in connection with the communication within referred to.

W. G. FREEMAN,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE, *June* 9, 1855.

No. 24.

EXECUTIVE OFFICE, *Austin, Texas, June* 20, 1855.

SIR: I inclose you a communication from Hon. William E. Jones, which is taken from the State Times, a newspaper published at this place, giving the account of the murder of a valuable citizen in the upper part of Comal County, on the Guadalupe River, by Indians, and also of thefts committed by them in the same vicinity. Mr. Jones is an old citizen of the State, and as highly respected as any man we have among us. His statement concerning this transaction I consider entitled to full credit. The murder was committed in a section of the State where no United States troops are stationed, and where depredations are frequently committed by the Indians during the last eighteen months, who have in every instance escaped punishment. This has encouraged them to renew their visits. I am assured that there is such excitement prevailing in that neighborhood that if the Indians shall again visit there the citizens will arm and turn out and make war upon any tribes that they may meet. Such a

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occurrence may bring on a general war with all the tribes upon our frontier, and, I fear, can only be avoided by stationing a company of mounted men to range the country from that settlement to the nearest post above. A knowledge by the Indians that such a force is in the vicinity will undoubtedly prevent them again from appearing there. I therefore request that you will, if possible, send a company of mounted men into that neighborhood for its protection, to remain there as long as the public service will permit.

Very respectfully, your obedient servant,

E. M. PEASE.

Brevet Major General P. F. SMITH,
Commanding Department of Texas.

No. 25.

EXECUTIVE OFFICE, *Austin, Texas, July* 5, 1855.

SIR: From reliable representations made to me by citizens residing on the Guadalupe River and its tributaries in Comal and Bexar Counties, and on the upper Blanco, I am well satisfied that a mounted force is necessary to protect those settlements from the thefts and murders to which they are constantly subjected by marauding bands of Indians, and since the United States Government has failed to notice those depredations or to furnish any force for the protection of these settlements, I have thought proper to authorize you, and I do hereby authorize you, to raise a company of mounted men to serve three months, unless sooner discharged. The company must not exceed in number that of a mounted company in the United States service, which is composed of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, one farrier, two buglers, and seventy-four privates. Should you not succeed in raising a full company of privates, officers can be elected only in proportion to the number of men. There are no means at the disposition of the executive to furnish this company ammunition, arms, subsistence, or forage, and this authority is given with the understanding that this company can be made up of individuals who are able and willing to supply themselves with all these articles, and rely upon the justice of the legislature to re-imburse them, and also to pay them for their services the usual amount allowed by the United States for similar service. Should you succeed in raising such a company, or a part of a company, you will forthwith return to this office a complete muster-roll thereof, and repair immediately to such point in the vicinity of the above-named settlements as will enable you to give them full protection against the Indians. It is expected that you will be actively engaged in ranging in their vicinity, unless it may become necessary to pursue any marauding parties of Indians that may be found in the neighborhood, in which case you are authorized to follow them up and chastise them wherever they may be found. I rely with confidence upon your good sense and prudence to avoid attacking any Indians or tribes who are peaceably disposed, as such a course might bring on a general Indian war with all the tribes upon our frontier, which would be very disastrous for a season to our exposed settlement. I enjoin you, also, particularly, to prevent any trespasses being committed by those under your command upon the persons or property of citizens. I shall communicate what I have done to the general in command of this department, and should he desire to receive you into the United States service for a like time, and to perform similar duty, I shall expect you to be mustered under his orders, or should he send other mounted troops to the same neighborhood to perform the service for which you are destined, then I shall feel at liberty to discharge you at once. You will keep this office frequently and regularly advised of your proceedings.

Very respectfully,

E. M. PEASE.

JAMES H. CALLAHAN, Esq.

No. 26.

HEADQUARTERS DEPARTMENT OF TEXAS,
Corpus Christi, July 14, 1855.

COLONEL: I have the honor to acknowledge the receipt of a communication from your office, dated the 26th of June, inclosing a copy of a letter from the Mexican minister to the Secretary of State of the United States, in relation to rumors of an intended expedition from this side of the Rio Grande into Mexico, under Caravajal and other leaders.

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The officers of the Army on that line have instructions to prevent any infraction of the law of 1818, and where the information they received or the proof they could obtain was sufficient, they have successfully carried out their instructions, as the former arrest of Caravajal and his associates will testify. On various occasions lately, on the rumor current in the neighborhood, various detachments of troops have been sent to scour the neighborhood and break up any such expeditions, but they have never succeeded in finding any, for these are not organized or created within our limits; the arrangements are all made in Mexico, and the parties singly retire to this side to remain in security until they are ready to operate, and as they are scattered along the frontier among the inhabitants, who are originally Mexicans, it is impossible to distinguish them, and such communication as they have with each other is private and cannot be detected.

Since the late occupation of Monterey by the insurgents, Caravajal and a number of others have crossed to join them, but as no information was given of the intended movement, and it was made without any appearance of hostile intention exhibited on our side, it could neither be detected nor prevented, for the river can be crossed anywhere.

If the information on which the Mexican consul at Brownsville founds his report was exact and sufficient, it would have enabled Major Porter to have succeeded in arresting it. It was because it was merely general rumor, without particulars, that the efforts of the officers were not successful.

Unless some one interested in suppressing these enterprises, and at the same time in the secrets of the offenders, will make known their plans, it is not likely that any correct knowledge of them will reach the officers who are on the look-out to prevent them, especially as these plans are now confined almost entirely to persons resident on the Mexican side, and it is far more difficult to trace any movement from the similarity of the population on the two sides of the river. The instructions to the officers are full, and they are zealous in the execution of them, but the circumstances I mention are more sufficient to account for their general ill-success than are those which prevent the Mexican authorities from keeping the Indians they have by treaty with them located on the Rio Grande from El Paso to Camargo from crossing weekly on to our side to murder and rob and carry back their booty for sale in sight of our frontier.

With high respect, your obedient servant,

PERSIFER F. SMITH.
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *July* 28, 1855.

No. 27.

EXECUTIVE OFFICE, *Austin, Texas, July* 25, 1855.

GENTLEMEN: I have received and attentively considered the application signed by you and a large number of other citizens of your county, asking me to call out another company of volunteers for the protection of Bexar and Medina Counties against the depredations of the Indians. I am fully aware of the truth of the details you give in regard to the depredations of the Indians to which your citizens have been so constantly subjected for the past year, and have made frequent representations on the subject to the commanding general of the department and to the Secretary of War. Since I authorized Captain Callahan to call out a company of volunteers for the protection of the settlements on the Guadalupe and its tributaries, I have received a letter from General Smith, dated the 15th instant, in which he says he will send a party of mounted riflemen to the neighborhood where the recent depredations were committed as soon as the command of Major Simonson returns from the duty he is now engaged in. In the mean time I will direct Captain Callahan to station a part of his company, as soon as it is raised, at such points as will enable them to give protection to the settlements of Bexar and Medina Counties. Should these not prove sufficient to give security to the settlers, I will not hesitate to call out other volunteers.

Very respectfully, your obedient servant,

E. M. PEASE.

Messrs. A. A. MUNCEY, S. A. MAVERICK, A. A. LOCKWOOD,
and other citizens of Bexar County.

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No. 28.

EXECUTIVE OFFICE, *Austin, Texas, July* 25, 1855.

DEAR SIR: Since I issued authority to you to raise a company of volunteers for the protection of the citizens residing on the Guadalupe River and its tributaries, in Comal and Bexar Counties, I have received from the citizens of Bexar County a memorial, asking for a small volunteer force for the protection of the frontier settlements in Bexar and Medina Counties, which have been lately harassed by the depredations of the Indians.

I have also received a letter from General Smith, in which he says that he will soon send a party of mounted riflemen to the neighborhood where the recent depredations have been committed. This information has induced me to believe that, instead of calling for additional volunteers besides your company, it will be better for the present to divide your company and send a portion of it to such a point as will afford protection to the settlements in Medina and Bexar Counties, west and south of the point where it was first intended your entire company should be stationed. I therefore desire that you should divide your company and station one portion of it on the Guadalupe where the recent depredations were committed, and the other portion at such point as will afford protection to those settlements in Medina and Bexar Counties that have recently been visited by the Indians. Should you not succeed in making up your company, I have no doubt it can be filled up readily in San Antonio and Castroville, when it is known that a portion of the company is to be employed in their vicinity, and this, too, I presume, will facilitate your obtaining the necessary supplies.

Please let me hear of your movements as often as practicable.

Yours, with respect,

E. M. PEASE.

JAMES H. CALLAHAN, Esq.

No. 29.

SAN ANTONIO, *September* 5, 1855.

SIR: I came to this place with the hope of meeting and having a consultation with you in regard to the depredations recently committed in this county by the Indians, supposing that you were still here, but I find that you have returned to Corpus Christi, and are not expected to be here before the first of next month.

Major Belger has shown me a letter that he has written to you, giving an account of the murder of the son of the Rev. Mr. McGee, on the Cibolo, some fifteen or twenty miles below this place. The facts, as stated by him, are confirmed by several citizens, well known to me, who reside in the neighborhood where the boy was killed. The same party who killed this boy also pursued several citizens who were out hunting cattle, but they made their escape. They also stole horses from several other farms on the Cibolo, at different points for twenty or twenty-five miles above Mr. McGee's. Several small parties have been in pursuit of these Indians—some of which are still out—and, I trust, will come up with them. I know not precisely what course to recommend to stop these depredations, but, unless something is done speedily, the settlements on the streams above and west of this place will have to break up. Horses have been stolen, within the last month, from several ranches within fifteen or twenty miles of this town, and there is no doubt that in every instance it has been done by Indians. It does seem to me that one or two companies of mounted men might be stationed, in parties of thirty or forty, at different places near the settlements, from the head of the Llano down to the mouth of the Rio Frio, and perhaps below there on the Nueces, so far as to intercept these small parties of Indians who commit these outrages. The company under the command of Captain Callahan, which I called out a few weeks since and stationed near the head of the Guadalupe and the Blanco, have put a stop to the depredations which the Indians were committing in those neighborhoods for two or three months previous. My situation, in regard to these matters, is a very embarrassing one. Our citizens are entitled to protection from the General Government, but, not receiving it, they appeal to the State authorities. There is great danger, if I call out volunteers, that they may, in their zeal to punish the Indians, do something to interfere with the efforts now making by the General Government to settle Texas tribes at the reservations on the Upper Brazos. I think, if I could have a consultation with you on this subject, some plan might be devised to give protection to the frontier settlements of this and the adjoining counties, and, if agreeable to you, I will meet you at this place when you return here, if you will inform me what time you expect to return.

In case you do not expect to return here soon, I wish, if it is in your power to do so, that you would send a company or two of mounted men immediately to range from the mouth of the Frio to the head of the Llano. This will give confidence to the

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settlements north and west of this, and keep them from breaking up, and relieve me from the necessity of calling out additional volunteers to perform that service. In the meantime I will delay further action, with hope of hearing from you at an early day.

Very respectfully, your obedient servant,

E. M. PEASE.

Brevet Major General PERSIFER F. SMITH,
Commanding Department of Texas.

No. 30.

SAN ANTONIO, *September* 5, 1855.

GENTLEMEN: Your letter of the 1st instant, giving an account of the depredations recently committed in this vicinity by the Indians, and inclosing the proceedings of a public meeting of the citizens of this place, was received at Austin on the 3d instant. Supposing that General Smith was still at this place, I came immediately here with the view of meeting him and inducing him to adopt measures to prevent a recurrence of similar proceedings. Not finding him here on my arrival, I wrote to him yesterday by express, detailing the recent murders and thefts committed by the Indians in this county, and requested him to furnish a sufficient mounted force to be stationed at such points as will hereafter give protection against further attacks of the kind.

I expect to get a reply from him in a few days, and, unless he gives me assurances that such a force will be soon furnished, I shall consider it to be my duty to call out a company of volunteers to protect the lives and property of our frontier citizens until the legislature, soon to assemble, can take such further steps as may be deemed necessary to effect that object.

Very respectfully, your obedient servant,

E. M. PEASE.

Messrs. C. EVANS, BEN. E. EDWARDS, and H. B. SAUNDERS.

No. 31.

HEADQUARTERS DEPARTMENT OF TEXAS,
Corpus Christi, September 8, 1855.

COLONEL: I have the honor to acknowledge the receipt of your communication of the 21st of August, inclosing documents relative to alleged projected incursions into Mexico. The rumors, upon which complaints are made by the Mexican minister, are almost without foundation. An adventurer, whose proclamations appear in the Texas newspapers—with a view of inducing others to join him—announces that he is about to invade the neighboring states of Mexico, and has already several hundred men arrayed in this enterprise, and some partisans of his assist him by giving currency to the same tale. Every one here knows how little confidence was to be placed in it, and it was not really worth noticing, lest it might be raised to a consequence it did not merit.

Finally, he, with about twenty men scattered along the river, crossed where there was no one to oppose, and offered to join the revolutionists, but, being as well appreciated on that side as on this, their services were refused, and they were advised to cross back to Texas. They were, consequently broken up, and most of them returned. They are, altogether, of so little consequence that it would be hard to find any one who could testify against them or distinguish them from the ordinary crowd that loiter about frontier towns.

The Lipan Indians, who are located in Mexico, near our border, and protected by the authorities there, cross constantly, in small parties, and steal horses and mules. The country being flooded by late rains, it is almost impossible to trail them, and the mounted riflemen who have attempted it have not been successful, for that reason. Many of the citizens who have lost animals have, I understand, associated themselves together to follow these parties from their crossings of the Rio Grande toward the Lipan camp, to recover their animals. It is, probably, the approach of these parties to the river which has given some confirmation to the rumors about invasion, but the persons engaged in this pursuit are of entirely different character and have different objects from those first mentioned.

If the tenth part of the labor spent by our soldiers to prevent infractions of the "neutrality laws" were employed in Mexico to restrain the Indians, even this last-mentioned project would not have been undertaken.

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The Mexican minister may be assured that the troops here will carry out earnestly the intentions and instructions of their Government.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant Generrl.*

ADJUTANT GENERAL'S OFFICE, *September* 25, 1855,

(See letter to Secretary of State, 29th September, 1855.

No. 32.

BRAZOS AGENCY, *Texas, September* 12, 1855.

SIR: For your information I deem it proper to inclose a copy of a supplemental treaty to the treaty of 1846, concluded between Special Agent George W. Hill and myself, on the 30th of August, 1855, with the Indians now "actually" settled on the Indian reservations on the Main and Clear Fork of the Brazos. That agreement, with a statement of our action, has been submitted to the honorable Commissioner of Indian Affairs for his approval, and it is necessary to have the co-operation of the military in carrying out the present policy. I would respectfully request, if not inconsistent with your orders, to respect and enforce the conditions of the agreement between the agents and the Indians and afford them the protection promised.

In accordance with my instructions from my department I have made contracts for the erection of agency buildings and for preparing farms for the Comanche Indians on the Clear Fork of Brazos (Comanche agency) and shall have in the course of next week some hands at work at that point. As I have already found myself embarrassed by bands of Northern Comanches, (who are not settlers,) and have no protection against them, should they choose to depredate, and I shall in a short time have Government stores exposed to their attacks, I would respectfully request you to furnish me with protection at that point. If you can at this time furnish temporarily, say thirty men, or one company, if they can be spared from the post, it would afford all the protection that I would require. The Indians who are actual settlers give every assurance that there is nothing to fear from them, but they, as well as the employés of the Government, require protection against the intrusion of the Comanche bands farther north. Should you not feel authorized to give permanent protection, as required at the Clear Fork or Comanche agency, you will please refer the subject to the commanding general of this department, as the Indian agents will find it impossible to reside permanently on the reserve, and to execute their duties properly unless sustained by the military authorities.

Very respectfully, your obedient servant,

ROBT. S. NEIGHBOURS,
Supervising Agent, Texas Indians.

Major G. R. PAUL, U. S. A.,
Commanding Fort Belknap, Texas.

No. 33.

At a general council held at Brazos agency, Texas, by and between Robert S. Neighbours, special and supervising agent, and George W. Hill, special agent Texas Indians, on part of the United States, and the undersigned, chiefs, counselors, and warriors of the Comanches, Anadakko, Caddo, Waco, Tawaccano, and Tonkahwa tribes or bands of Indians, for and on behalf of these said tribes, on the 30th of August, 1850, it is stipulated and agreed as follows, to wit:

ARTICLE 1. The undersigned, chiefs, counselors, and warriors, for themselves and these said tribes, do hereby sanction and acknowledge in full force each and every stipulation of the articles of a treaty made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos River, on the 15th day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States, of the one part, and the chiefs, counselors, and warriors of the Comanche, Inoie, Anadakko, Caddo, Lipan, Tonkahwa, Keechee, Tawaccano, Wichita, and Waco tribes of Indians, and their associate bands, on behalf of these said tribes, of the other part, as

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amended by the resolution of the Senate of the United States of America on the 15th day of February, 1847, ratified and confirmed by the President of the United States of America on the 8th day of March, 1847, a copy of which said treaty is hereto annexed: and we further agree to the following supplemental articles for our government as settlers on the Indian reservations of the Main and Clear Fork of Brazos River, in the State of Texas:

ARTICLE 2. We agree to abandon forever a roving or hunter's life, and will settle down permanently on the lands selected for us, as per act of the legislature of the State of Texas approved February 6, 1854, and to devote all our own energies to the cultivation of the soil and to raising stock as a means of subsistence for ourselves and families.

ARTICLE 3. We promise and agree at as early a day as practicable, with the assistance and concurrence of the United States Indian agent, to establish laws and police regulations for our government in our towns and villages for the correction and punishment of crimes and offenses.

ARTICLE 4. It is further stipulated and agreed that no Indian (party to this agreement) shall leave the reservations without the consent of the Indian agent, and should any Indian or band of Indians absent themselves from the reservations, contrary to the wishes of the agents and in violation of this agreement, he or they shall be liable to forfeit all the rights of settlement conferred by this agreement, and is also liable to be declared and treated as an enemy.

ARTICLE 5. All differences and disputes likely to create a difficulty between tribes or bands, parties to this treaty and agreement, shall be referred to the United States Indian agents and head-chiefs of such tribes for adjustment upon fair and equitable terms, and their decision shall in all cases be received as a final settlement between the parties.

ARTICLE 6. We agree that no other tribes or bands shall be introduced or settled on either of the reservations, unless by the concurrence of the Indian agents and of the tribes or bands, parties to this treaty and agreement, and absent members of the tribes now settled shall not be allowed to visit here except he first obtains the consent of the agent under whose jurisdiction he resides, nor shall they be allowed to settle here or attach themselves to the tribes now settled here, until they agree to observe all the articles of this treaty and agreement and obtain the concurrence of the agent in charge, and shall agree to acknowledge fully the authority of the chief acknowledged by the agents as the head of the tribe.

ARTICLE 7. We also agree to break off all intercourse with bands of Indians outside of the reservations who refuse to settle down, except it be carried on with the knowledge and consent of the agents, and in all cases to report as soon as possible the arrival of any Indian or party, and to assist the agents in arresting all intruders or depredators who may be found inside the lines of the reservations contrary to treaty stipulations.

ARTICLE 8. We further agree to give assistance and protection to all farmers, laborers, and other employés of the Government on the reservations, and to assist them in the preservation of all articles, farming-utensils, animals, &c., furnished by the Government, and should any person sell or wantonly destroy any farming utensil, wagon, oxen, stock, cattle, or any other article furnished by the Government, under this agreement, he shall, upon conviction, be punished according to the laws of the United States, and shall be liable to forfeit all his rights and immunities as a settler on the reservations, and it shall be the duty of the chiefs of each tribe to give the agents notice of all violations of this agrement.

ARTICLE 9. In consideration of the faithful observance of all the articles of the above treaty and agreement, the United States, through its agents, agree to protect and maintain all the members of the tribes, parties to this agreement, in the peaceable possession of the lands embraced in the limit of the said reservation, and in their lives and property against injury or molestation from citizens of the United States while on said reservations, and to afford such protection against and aid in reclamation for injuries from other tribes of Indians, whether friendly or hostile, as may be at the control of such agents or as is afforded the citizens of the United States, and to award them ample justice under the laws of the United States in accordance with the provisions of the above treaty.

ARTICLE 10. That the United States, through its agents, agrees to furnish the said tribes, parties to this agreement, farmers, to assist and instruct them in the preparation and cultivation of their farms, to furnish them with a blacksmith and with iron and steel, to give them necessary farming-utensils, wagons, teams, plows, &c., to enable them to commence their farms, and to assist and instruct them generally in the cultivation of the soil, and to give them stock-cattle and other domestic animals, all at the discretion of the President of the United States, and to furnish them regularly with such rations as may be deemed necessary to enable them to support their families until they can subsist themselves by their own exertions, and the General Government is hereby pledged to pursue that course of policy with the settlers on these res-

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ervations deemed best calculated to advance them in the arts of civilized life and to make them a self-sustaining people.

ARTICLE 11. The Indian agents, under the instruction of the President of the United States, shall exercise full discretion as to time, places, &c., of the delivery of all articles to be furnished said tribes or bands under the provisions of this treaty and agreement.

ARTICLE 12. This agreement, this day entered into by and between the undersigned parties, to be and remain in full force and effect at the discretion of the President of the United States of America, but no change to this agreement shall be made until after due consultation with the chiefs of the tribes who are parties hereto.

Given under our hands and seals on the day and date above written.

ROBT. S. NEIGHBOURS, [SEAL.]
Supervising Agent Texas Indians.

G. W. HILL, [SEAL.]
Special Indian Agent.

An-a-dah-ko:	JOSÉ MARIA,	his x mark.	[SEAL.]
	CHA-BE-AN-O,	his x mark.	[SEAL.]
	JOHN LINNEY,	his x mark.	[SEAL.]
	JIM POCK-MARK,	his x mark.	[SEAL.]
	CHI-YA,	his x mark.	[SEAL.]
Waco:	A-HAH-DOT,	his x mark.	[SEAL.]
	A-QU-QUASH,	his x mark.	[SEAL.]
	A-SA-QUASH-SHE,	his x mark.	[SEAL.]
	HEU-CHE-KILS,	his x mark.	[SEAL.]
Tu-ka-hwa:	PLICIDOUR,	his x mark.	[SEAL.]
	CHA-PA-TON,	his x mark.	[SEAL.]
	JIM-SON,	his x mark.	[SEAL.]
	WHITE,	his x mark.	[SEAL.]
Co-man-che:	KA-TUM-SEE,	his x mark.	[SEAL.]
	PE-AT-A-QUASH,	his x mark.	[SEAL.]
	TO-SHA-HUA,	his x mark.	[SEAL.]
	PI-NA-HOUT-SA-ME,	his x mark.	[SEAL.]
	MU-KA-QUE-TOPH,	his x mark.	[SEAL.]
	KE-PAC-A-WITE,	his x mark.	[SEAL.]
	WI-CHI-KEE,	his x mark.	[SEAL.]
Cad-do:	TI-NAH,	his x mark.	[SEAL.]
	CHE-EN-HU,	his x mark.	[SEAL.]
	CO-CHE,	his x mark.	[SEAL.]
	NI-BUC-UN-IN,	his x mark.	[SEAL.]
Ta-wac-cau-no:	O-CHE-LAS,	his x mark.	[SEAL.]
	NOCH-UTS-I-OCHS,	his x mark.	[SEAL.]
	WAS-TED-AC-DREE,	his x mark.	[SEAL.]
	WACO,	his x mark.	[SEAL.]
	UC-KA-TART	his x mark.	[SEAL.]
	HED-E-KOK-ISH,	his x mark.	[SEAL.]

Interpreters:

JOHN CONNOR, his x mark. [SEAL.]
Interpreter for Comanche Reservation.

JIM SHAW, his x mark. [SEAL.]
Interpreter for Brazos Reservation.

D. A. BICKEL, [SEAL.]
Interpreter (Spanish) and Secretary.

Witnesses:
J. L. EVANS.
CH. E. BARNARD
S. P. ROSS.
L. S. RIGGS.

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No. 34.

HEADQUARTERS FORT BELKNAP, TEXAS.
September 15, 1855.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, transmitting a copy of a supplemental treaty entered into with different tribes of Indians and requesting the assistance of a part of the troops of my command to carry out its stipulations. The troops at this post will always be found ready to co-operate with the Indian agents in maintaining quiet and order among the different tribes within the several reservations and also in protecting them from marauding or strange Indians. Owing, however, to the small number of officers at the post, I do not feel authorized to station permanent detachments on the reserves; but, until the pleasure of the commanding general of the department is known, I shall send scouts from time to time, which, by their periodical appearance, may answer the object in view.

I am, very respectfully, your obedient servant,

G. R. PAUL,
Brevet Major, U. S. A., Commanding Post.

Major R. S. NEIGHBOURS,
Superrising Agent Texas Indians, Brazos Agency, Texas.

No. 35.

HEADQUARTERS FORT BELKNAP, TEXAS,
September 16, 1855.

SIR: I have the honor to inclose a copy of a supplemental treaty recently made by R. S. Neighbours, esq., with certain Indian tribes, a copy of his letter of the 12th instant, and a copy of my answer thereto.

Hoping that my answer will meet the views of the commanding general, I remain your most obedient servant,

G. R. PAUL,
Captain Seventh Infantry, Brevet Major, U. S. A.

ASSISTANT ADJUTANT GENERAL,
Department of Texas, Corpus Christi, Texas.

No. 36.

AUSTIN, *September* 25, 1855.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 17th instant, inclosing the proceedings of a public meeting and a petition of citizens of Goliad County, giving a detail of depredations recently committed in your vicinity by Indians and asking me to authorize the raising of a company of rangers for your protection. Previous to the receipt of these papers I had been informed of most of the facts detailed in your petition, and had requested General Smith to place a sufficient mounted force on the line of the Nueces, to range from the neighborhood of Fort Ewell up to the head of the Llano, and I have just received information from him that he has ordered three companies of mounted riflemen to perform that service. These troops I trust will prove sufficient to give security against further incursions of Indians into your country; if they do not, I will endeavor to have additional troops ordered to that portion of our frontier; and if I cannot succeed in this, I will then consider it to be my duty to call out volunteers to act under the authority of this State.

Very respectfully, your obedient servant,

E. M. PEASE.

Messrs. FAUNT LE ROY, A. H. BRISCOE, and JNO. M. CRANE.

No. 37.

WAR DEPARTMENT, *Washington, September* 20, 1855.

SIR: Referring to my letter of the 17th ultimo, in reply to yours of the 16th, inclosing translations of two notes from the Mexican minister on the subject of rumors

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of newly projected incursions into Mexico from the United States, I have the honor to transmit herewith a copy of a report from Brevet Major General Smith, commanding Department of Texas, on the subject, and stating that the rumors are almost without foundation.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Hon. W. L. MARCY,
Secretary of State.

No. 38.

FORT DUNCAN, *Texas, October* 4, 1855.

SIR: I have the honor to report that, without my knowledge, three nights since, a party of armed Texans crossed the river two miles or more below this post, for the purpose, as I am informed, of chastising the Lipan Indians, who have for some time past been committing depredations on the property and persons of the people of Texas, and then for safety escaping into Mexico. Yesterday morning this party left their camp on the opposite side of the river and marched toward San Fernando, and when within eight or ten miles of that place were opposed by a large number of Mexicans and Indians. A fight ensued, in which several Texans were killed and wounded; with what results as to the opposite party I am not informed. Last night, a little before tattoo, a Texan, badly wounded, returned here and reported that the Mexicans had attacked the Texans with such an overwhelming force that he feared they had all been killed; and early this morning I received repeated messages that the Texans who had escaped from the fight yesterday were on the opposite side of the river asking assistance from me to cross the river, stating that they were pursued by the Mexicans and Indians and expected to be attacked every minute. Under the circumstances, I deemed it my duty to render assistance, so far as it might be necessary, to protect them while crossing, and I immediately placed several heavy guns in such a position as to command the ferry and crossing. Up to the time of writing, about 12 o'clock m., no Mexicans or Indians have made their appearance; and the Texans, so far from crossing to this side of the river, have, as I am informed, seized upon the village of Piedras Negras, are strengthening the place, and intend to hold it until they receive re-enforcements from Texas; with what object now I do not know, unless it be to make war upon Mexico. Captain Callahan, I understand, is the commander, and he is the captain of the company of volunteers called into the service of the State of Texas by the governor for the protection of the frontiers. As this matter is likely to become quite serious, the Texans, on hearing of the situation of their countrymen and of the death of their friends, will flock to the frontier in large numbers and will cross the river in spite of resistance. I respectfully beg leave to ask for instructions for the government of my actions in this matter. If the Texans should persist in crossing, acting under the orders of the governor, as they appear to be doing, I have no force sufficient to oppose them, admitting it to be my duty to do so. If some persons of standing and influence do not immediately interfere, open war must follow in a very short time.

Very respectfully, your obedient servant,

S. BURBANK,
Captain First Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of Texas, San Antonio.

No. 39.

SAN ANTONIO, *October* 4, 1855.

DEAR SIR: Since my arrival at this place, I have learned from General Smith that he will send a force of mounted riflemen to take your place at the expiration of your term of service. Your company will therefore be mustered out of service at the expiration of three months from the day you were mustered in; and for that purpose you will march your company to San Marcus, and report to Colonel John D. Pitts, who will have orders to muster you out. This communication is addressed to you, supposing Captain Callahan to be still absent; when he returns, he will act as if this were addressed to him.

Yours with respect,

E. M. PEASE.

Lieutenant EDWARD BURLESON.

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No. 40.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 7, 1855.

CAPTAIN: I am directed by the general commanding the department to say that he has received full powers from the President of the United States to carry out the neutrality laws. He has been informed that a party of armed persons has lately crossed the Rio Grande River, in the vicinity of your post, with the intent to violate those laws, and he therefore directs you to use every means in your power to maintain them inviolate, by giving warning first to any such parties, and to arrest them, and, if necessary, to use the force at your command for preventing such attempts. You will, as far as possible, take steps to arrest any persons that may be attempting to cross with hostile intentions, and keep them under guard until they can be sent to be tried before the nearest United States court. The general also directs that you take the necessary steps to protect the settlements in your vicinity from robbery by such parties, by posting guards, &c., even if the whole force at your command be necessary for that purpose.

I am, sir, very respectfully, your obedient servant,

ALFRED GIBBS,
Brevet Captain and Aide-de-Camp, A. A. A. G.

Captain SIDNEY BURBANK,
First Infantry, Commanding Fort Duncan, Texas.

HEADQUARTERS OF THE ARMY,
New York, November 1, 1855.

Respectfully forwarded by command of Brevet Lieutenant General Scott.

L. THOMAS,
Assistant Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *November* 2, 1855.



No. 41.

HEADQUARTERS, FORT BELKNAP, *October* 7, 1855.

SIR: I have the honor to report that several weeks ago a party of Northern Comanches drove off from the lower reservation about forty horses belonging to Delawares. A party of the latter Indians was formed, (with the sanction of the agent, Captain Ross,) who went in pursuit of the robbers. When about ten miles from Red River, the Delawares left the trail they were on, to go to a water-hole, and, in doing so, crossed a fresh trail, which they immediately followed up. They soon came up to a band of Northern Comanches, who told them they were on their way to the settlements to steal horses, &c. The Delawares, thirteen in number, then attacked the Comanches, killing seven and capturing ten horses, beside bows and arrows, shields, &c. They also got a black cloth sack-coat, in the pockets of which a daguerreotype likeness of a gentleman was found. This may perhaps lead to a war of retaliation toward the friendly Indians on the reservations; and unless mounted troops are soon sent here, the white settlers on the Clear Fork of the Brazos will not be able to remain on their farms.

I am, sir, very respectfully, your obedient servant,

G. R. PAUL,
Captain Seventh Infantry, Brevet Major U. S. A., Commanding Post.

ASSISTANT ADJUTANT GENERAL, U. S. A.,
Headquarters Department of Texas, San Antonio, Texas.

No. 42.

BRAZOS AGENCY, *October* 7, 1855.

SIR: The scouts, consisting of twelve Delawares and one Caddo, left on the 24th in pursuit of the horses stolen from this agency, and returned on the morning of the 4th, report as follows, to wit: They followed the trail five days a northwest direction, at

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which time they discovered another trail going the same direction, but much fresher than the one they were following, but determined on following it. After pursuing it about half the day, crossed Red River to rest their horses, they discovered ten Indians coming; meeting them when they came near, Jacob, the captain of the scouts, went out to meet their captain, who told him that he was a Yamporeco, and was going down to our frontier to kill and steal horses. He said he had just met two Indians (Nocomys) who had been down and killed one man near the mouth of the Clear Fork of the Brazos, and stole seven head of horses on or near the Leon, and that the horses that were stolen from this agency were taken by five Tenawish men. Jacob then proposed that he should camp for the night. After camping within thirty steps of each other they then held another conversation; he then told the Delawares that the northern Indians had declared war upon all people south of Red River, white and red. Jacob then told him that he lived on the Brazos reservation, and showed him his pass that I gave him. Neither party made fire for the night, but watched each other. About midnight they proposed to gamble with the Delawares but the captain told him he had not come there to gamble; however, he had no objection to four men playing at a time, and whilst they were playing the Delawares managed to cut three or four of their bowstrings half in two. The Yamporeco told his men that at daylight he should commence the fight. Neither party slept during the night. Just as day was breaking the Yamporeco ordered his men to fire, but the Delawares understanding them, fired first, and killed four the first fire and charged their camp, killing three and wounding one, letting two escape to tell the news. They found on them a black cloth coat, velvet collar; also one undershirt, striped, and from stains of blood showed to have belonged to some white person killed by them. They also found in their possession a daguerreotype which I send you, as it may probably lead to the discovery of who the man was killed. They brought in ten head of horses and mules and seven scalps. They are going to have a scalp-dance to-day. Our Indians are anxious to hear from you. They say with two hundred Texans they can whip all of the northern Indians. The shield belonging to the Yamporeco had fifteen or twenty female scalps fastened to it, about half of which are white scalps. When I see you I will give you more of the particulars.

Yours, very respectfully,

S. F. ROSS,
Special Agent Texas Indians.

Major R. S. NEIGHBOURS.

No. 43.

BRAZOS AGENCY, *October* 7, 1855.

DEAR SIR: As Mr. Harris leaves for Waco this morning, I avail myself of the opportunity to drop you a few lines. I came down to get Mr. Bickel to assist me in making out my returns. I left all well at my agency, and the Indians quiet and contented. Twenty-four of Shenaco's tribe came in, and report that he will be in before long. Two men returned from Mexico, bringing some nine or ten horses which Ketumsee took from them, and tuned over to me; he also sent a man to a band of Noconies and brought in five more horses, four of them Delaware horses and one of Jim Shaw's. Harris's men are at work and pushing things. The party of Delawares that left when you did, or a day or two after, returned, bringing in seven scalps and ten horses. They report that they followed the trail of their horses for several days, and that it gave out, but they continued the direction until they struck a fresh trail, (which was the two that killed Skidmore.) They followed that trail across Red River and stopped at noon, when a party of ten Comanche warriers came up to them. They had a talk and finally camped together, each party watching the other, for Jacob says he could understand all they said, and that they agreed among themselves to attack the Delawares and kill them and take their horses next morning at day-break, but the Delawares lay awake all night, and at day-break they opened fire upon them and killed four, charged the rest and killed all but two, one of whom was badly wounded, and the other they could have killed but they wanted him to carry the news of their defeat back to the Comanches. One they did not scalp, as he fell into a water-hole and sunk. They brought in the bows, lances, shields, and tricks of the party. They told Jacob they had met the Indians that killed old Skidmore and had learned from them that there were plenty of horses down here, and they were on their way down to kill and steal, and that a large war-party was coming down to kill John Conner, Ketumsee, Lambshead, and all they could find. They seemed to know all about the condition of the posts and our frontier, and said that they had joined the Sioux Indians against the whites in the north. The captain commanding the party killed was a Yamparico, and had a black cloth coat, an under-shirt, and daguerreotype with him, and on his shield was some twenty scalps, mostly white

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women's hair. I have his shield and spear. The two Indians who killed Skidmore went on to the San Saba and stole seven horses and came back on their trail to the Caddo peaks; from there they struck due north and went to the main Comanche camp. A party of twelve men followed them and lost their trail; they then came on to the post, and then here to see Captain Ross. I have no doubt that we will have the devil to pay, and our frontier is in the greatest danger. I hope you will succeed in carrying out your plans, as it is the only hope I have of having anything done. The Indians here are ready and willing to go against the Comanches, and I think them about the best protection we have if they are managed by some white man; a few killing scrapes more will give them a distaste to these parts anyhow. Jacob learned from the captain he killed that the point selected for winter-quarters of all the wild Indians was on main Red River where it runs through the mountains, and that some eight or ten tribes had united with the Sioux in their war. John Connor says he found out from a Noconie that that is where they expect to winter. I think there would be no difficuly in finding them if an expedition was gotten up. I shall return to the Clear Fork in the morning and will keep a sharp look-out for any strange Indians. I will make a requisition on Major Paul for a detachment of men to go out to the agency and remain there, as I think it proper to give the Government employés all the protection I can. I have given you the outline of the war-party. Mr. Bickle will write more fully.

Respectfully, &c.,

J. R. BAYLOR,
Special Agent Texas Indians.

Major NEIGHBORS.

No. 44.

FORT DUNCAN, *Texas, October* 8, 1855.

SIR: In continuation of my report of the 4th instant, in relation to the Texan volunteers, I have the honor to state that, pursuant to their resolution to remain on the Mexican side of the river and occupy the town of Piedras Negras, they strengthened their position as much as possible and awaited the result. The river was unusually high and still rising at this time, and the impossibility of crossing their horses was the reason they give for remaining on that side of the river.

I received through an indirect channel, about dusk on the evening of the 5th instant, a note purporting to come from the commander of the Mexican forces, asking my position in relation to the Texas volunteers. I did not reply; I did not know where the Mexican commander was, neither did I deem it of importance. The next day (the 6th) the Texans crossed over some of their horses, intending, I believe, to come to this side as soon as they could get their horses over; the river in the mean time had fallen considerably, but about 4 o'clock in the afternoon the Mexican forces advanced upon them. The moment they came in sight, to my astonishment, the Texans commenced firing the town, and in a few minutes nearly every house in the place was in flames, and while it was burning Captain Callahan sent me a message, asking my protection and assistance for him to cross the river. I sent him a decided refusal. Thus matters continued until after dark, the Mexicans making no attack on the place. Soon after dark I received a note signed by Callahan and Henry, asking the protection of the United States flag to enable them to cross the river, stating that their men were deserting them; that they had then but about seventy, and they were not able to contend with the Mexicans—some six or seven hundred. I replied that they had deliberately come to the determination to make a stand against the Mexican forces, and after what had transpired they must abide by that determination; but that they had possession of the boats, and I did not see but that they could easily cross to this side of the river, leaving their horses, which they would have to abandon. I believe they commenced crossing, and continued to do so until about 11½ o'clock, when another message was sent imploring my assistance to save them from destruction; the boat had got loose and gone down the river, thus cutting off all chance of escape. I then consulted with some of the officers as to what course it would be proper to pursue, but before I made up my mind fully as to my action, I learned that the boat was not lost; had broken from the line; but had been brought ashore, and the Texans were crossing as rapidly as possible, and at that time, about 2 o'clock a. m., (7th,) they were mostly over the river, not being interrupted by the Mexicans. During yesterday they crossed over most, if not all, their remaining horses, and are now encamped somewhere in this vicinity. Nearly all the inhabitants abandoned Piedras Negras as soon as the Texans occupied it; a great many crossed to this side, and others left for the neighboring towns in Mexico, I presume. They are in a state of great destitution at this time, and I would suggest that provisions should be issued to such as are suffering.

My situation is an embarrassing one: to preserve peace and at the same time pre-

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vent acts of hostility. The Mexicans are said to be very much exasperated, and threaten retaliation, and the inhabitants of Eagle Pass are in great alarm. I have to send them guards every night to pacify them, though I do not think there is any danger. There are said to be many Indians with the Mexicans, (Seminoles,) and it is these that they fear. I trust matters will soon be quieted, unless the Texans renew their attacks with recruited forces. In the mean-time I await instructions from headquarters in case these forces should arrive at this point.

My command is much reduced, but I will make the most of it I can.

Very respectfully, your obedient servant,

S. BURBANK,
Captain First Infantry, Commanding.

No. 45.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 8, 1855.

SIR: I am directed by the general commanding the department to communicate for your information a copy of the instructions of the President of the United States, requiring him to prevent the carrying on of any armed expedition or enterprise from any place within the limits of this department against the territory or people of Mexico. The general is informed that such an invasion of Mexico has already recently been made from the vicinity of Fort Duncan, and that further similar invasions, for the purpose of re-enforcing the first, will probably be attempted; and it is his order, therefore, that you endeavor to prevent any such attempt within the reach of your command and that you employ the force under your control to the fullest extent that may be necessary for that object, and for the fulfillment of the instructions of the President. All persons who may be arrested in such unlawful attempts will be sent to Brownsville, to be brought before the United States commissioner. If the commanding officer of Fort Duncan should call upon you for additional troops, the general directs that you dispatch them immediately, to the extent of three companies of infantry.

Very respectfully, your obedient servant,

D. C. BUELL,
Assistant Adjutant General.

Brevet Colonel WILLIAM W. LORING,
Mounted Riflemen, Commanding Fort McIntosh, Texas.

Similar instructions sent to the commanders of Ringgold Barracks and Fort Brown.

D. C. BUELL,
Assistant Adjutant General

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 9, 1855.

No. 46.

FORT DUNCAN, *Texas, October* 9, 1855.

SIR: The mail leaves to-morrow morning for San Antonio. I have but little to report since my communication of yesterday, sent by express. All is now quiet. General Langberg, commander-in-chief of the Mexican forces in Coahuila, arrived at Piedras Negras yesterday, and now has the direction of affairs on the other side of the river. He has a force of one thousand men, six hundred regular troops and four hundred volunteers. I do not anticipate any further difficulties unless the Texan volunteers should return with large re-enforcements; it is evident that, should they do so, they will be resisted by the entire force of Mexico in Coahuila.

The Mexican account of the conflict near San Fernando reports four killed and four wounded on their side, their force consisting of two hundred citizens and eight Lipan Indians, who were not recognized as a part of their force, but who followed as stragglers. The Texans, they report, left five dead on the ground, besides a number of horses, and about thirty pistols, guns, or rifles, which were picked up by the Indians. The volunteers left this vicinity yesterday, and are gone, I am told, to Leon.

Very respectfully, your obedient servant,

S. BURBANK,
Captain First Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of Texas, U. S. Army, San Antonio.

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No. 47.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 9, 1855.

SIR: Your communication of the 4th instant, reporting the invasion of the territory of Mexico by an armed body of men from this side of the Rio Grande, has been brought to the notice of the general commanding the department. He directs that you inform the leader of the party that your duty will require you to use every means within your control to prevent any accession to his party from this side of the river, and that you can lend him no succor if his further movements should place him in a situation to desire it.

The general directs me to communicate for your information a copy of the instructions of the President of the United States, requiring him to prevent the carrying on of such expeditions or enterprises, and authorizing him to use the troops under his command for that purpose; and it is his order that the force under your command shall be employed to the fullest extent that may be necessary to fulfill the instructions of the President. If your immediate command should be insufficient for that object, you are authorized to call for additional force from the commanding officer of Fort McIntosh, who will have orders to dispatch three companies of infantry upon your requisition. All persons who may be arrested in attempting such violations of our neutrality laws will be sent to Brownsville, to be brought before the United States commissioner.

Very respectfully, your obedient servant,

D. C. BUELL,
Assistant Adjutant General.

Captain SIDNEY BURBANK,
First Infantry, Commanding Fort Duncan, Texas.

No. 48.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 10, 1855.

COLONEL: At the time Indian depredations were reported near Fredericksburgh, the governor of the State organized a company of volunteers under Captain Callahan, and stationed them there. Lately about twenty men were left of this company at their post, and Captain Callahan took the rest to pursue, as it was said, Indians who had stolen horses and killed persons on the Cebolo and Medina. He was joined by others and marched toward the Rio Grande. A report was current that a party was organizing to go into Mexico, and take negroes that had run away from Texas and horses that had been stolen, and I presume that the party of Captain Callahan was the one alluded to. If so, their design was covered by the pursuit of a trail of Lipans escaping with their booty. This party crossed below Eagle Pass, without the knowledge of the commanding officer at Fort Duncan, on the night of the 1st of October. Captain Callahan says he crossed upon the invitation and by the assistance of the Mexican alcalde, and upon assurances of their aid in pursuing the Indians. He and his party were led into an ambuscade of Indians and Mexicans on the 3d, as they advanced toward San Fernando, the residence of the Seminole Indians; were repulsed and driven back to Piedras Negras, the small village opposite Fort Duncan. I cannot ascertain that they killed any Indians, but several of the Mexicans were killed. They could not cross, on account of the high water in the river; and finding themselves not approached by the Indians, they have remained there, and Captain Callahan has called upon his fellow-citizens for aid, and endeavors are made to raise men to re-enforce him. I have sent orders to Captain Burbank to arrest every one attempting to cross over with any hostile design, and have ordered three companies from Fort McIntosh to strengthen him. But the result of these movements across the river will be to excite the hostility of all the Seminoles and their associates, and we may expect to hear of Indian depredations during the whole winter. * * * In the mean time, every means in my power will be employed to prevent the breach of the neutrality laws and the incursions of the Indians. I inclose the report of Captain Burbank and copies of my previous and subsequent instructions. I neglected to mention, as the ground of my belief that Callahan's expedition was originally intended as an inroad into Mexico in search of negroes, that his crossing took place on the night of the 1st or morning of the 2d, and the ambuscade on the 3d; yet, on my arrival here on the 1st, an officer read me a private note from a friend at Laredo, informing him that a party of Texan volunteers had crossed the river above, intending to attack the Indians; that they had been led into an ambuscade of the Seminoles, and many of them killed, and the remainder had fled back to recross the Rio Grande. Now, this news was at Laredo a

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week and more before the affair happened, and shows that the design existed beforehand with the volunteers, and was disclosed to the Mexicans, who prepared and executed the ambuscade accordingly.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *October* 25, 1855.

No. 49.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 11, 1855.

SIR: Your communication of the 8th instant, reporting the further proceedings of the unlawful expedition into Mexico under Captain Callahan, has been submitted to the general commanding the department, and he has instructed me to reply that he entirely approves of your action in the matter. He directs me to repeat to you the injunction of preventing a repetition or renewal of the recent invasion. If the force which you have already been authorized to call for should be insufficient for the purpose, additional troops will be sent to you. It is suggested to you that the communication between you and the parties to these expeditions should, as far as possible, be confined to written correspondence, and at least should be made matter of careful record. One of the immediate effects of the expedition in question will doubtless be increased activity in the depredations of Indians from the Mexican side of the river, and the general desires, therefore, that your command shall be particularly vigilant with reference to them. I am instructed to say that you are authorized to issue provisions sparingly to those persons from the Mexican side who have come over for protection from the party under Callahan and are suffering for food.

Very respectfully, your obedient servant,

D. C. BUELL,
Assistant Adjutant General.

Captain SIDNEY BURBANK,
First Infantry, Commanding Fort Duncan, Texas.

No. 50.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 11, 1855.

SIR: I have no doubt your excellency is informed already of the inroad made into Mexico by a party under Captain Callahan. They crossed the Rio Grande three miles below Fort Duncan on the night of the 1st or 2d instant, were led into an ambuscade of Indians and Mexicans at La Meta, repulsed and driven back on Piedras Negras, the Mexican village opposite Eagle Pass. Under the belief that they were about recrossing into Texas and abandoning their expedition, the officer in command at Fort Duncan took measures to prevent their being molested in the passage of the river, which was swollen since they crossed, but the Texans, taking advantage of this interference, prepared to hold possession and await re-enforcements. Since then, the commanding officer at Fort Duncan has refused to countenance their acts. Captain Callahan, finding his men were leaving him and seeing the approach of a body of Mexicans, set fire to the town of Piedras Negras, and, as soon as it could be done, crossed to this side, where his party is encamped. I had sent orders to the troops at the different posts to prevent any such unlawful inroads or other breaches of the act of 1818, (the neutrality act,) upon first hearing of the crossing of Captain Callahan. I do not think the hot pursuit of a party of Indians with their plunder, although leading over the boundary, such a breach of that act, but this expedition, from facts which have come to my knowledge, is not of that character. I am advised that the burning of the town and the designs on the Seminole settlement have exasperated to the highest degree both that band of Indians and the Mexicans. Many of the latter, in utter destitution, are seeking food on this side of the river to save themselves from starving. Under these circumstances I have no doubt plans of revenge will be formed and executed on the peaceable inhabit-

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ants of our frontier, while those who are the cause of these miseries will escape, and we may look for an inroad from the Seminoles to murder and scalp, not merely to steal. It is impossible to undo what is done, but under the act of 1818 the President of the United States has delegated to me the special authority therein provided for, to employ the military force under my command to prevent the infraction of that law. I hope your excellency will exert the influence and authority you possess to render any such exertion of military force on my part unnecessary. This can only be done by putting a stop to the unlawful enterprises in contemplation, for if they are persisted in, orders I have lately received will render my action indispensable.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

I have the honor to inclose a copy of the delegation of authority to me and an extract from an order of the War Department.

PERSIFER F. SMITH,
Brevet Major General.

His Excellency E. M. PEASE,
Governor of the State of Texas, Austin, Texas.

No. 51.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 12, 1855.

COLONEL: I have the honor to inclose a copy of a further report of Captain Burbank of the events succeeding those detailed in my former communication. You will observe the wanton outrages inflicted on the poor inhabitants of Piedras Negras in the burning of their houses and gardens. I wish I could say that conduct so offensive to law and humanity met with any reprobation here; the very few I have heard condemn it avow their fear to express their opinions publicly. The party under Callahan have fallen back from the Rio Grande and have given out their intention to disperse and return to their homes. But although that is their probable course no confidence can be placed in their declarations, and they will still be watched. A criminal prosecution of the offenders would be futile anywhere in Texas, and nothing remains but to endeavor to prevent a repetition of such acts. But, on the other hand, the Indians will be led to retaliate, and the people of the Mexican side, irritated by these outrages, will aid and encourage them, and such acts of retaliation will afford a pretext for new outrages if the ill success of the last expedition does not prevent them. I inclose also a copy of a letter I addressed to the governor of the State with the information I had from Captain Burbank, and copies of further orders in relation to the subject. It will be seen that I direct the arrest of persons attempting to invade Mexico as a measure of prevention under the law and my instructions. The arrest of those returning from the commission of the offense I leave to the civil authorities, because it would not prevent the crime or an attempt to repeat it; however, every effort will be made to arrest every one engaged in the enterprise.

I must say, in conclusion, that, though the unfortunate inhabitants of the Mexican side have so much to complain of, it is different with the Mexican government; they have encouraged in every way the incursions and robberies of the Indians who are under their protection. Citizens of this side have followed the Indians who stole their horses and found them in possession of Mexicans, some in high authority, who had just bought them from marauding parties; far from aiding our people, who were endeavoring peaceably to get back their property, they interfered to prevent even their purchase back; and in no instance has any encouragement been given to our citizens seeking redress.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General.

P. S.—I inclose a subsequent report of Captain Burbank just received, October 14, 1855.

PERSIFER F. SMITH,
Brevet Major General, &c.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *October* 27, 1855.

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Read. The measures adopted by General Smith and the conduct of Captain Burbank in the events within related are entirely satisfactory. Copies of the papers bearing on international relations will be prepared for transmission to the Secretary of State.

JEFF'N DAVIS,
Secretary of War.

WAR DEPARTMENT, *November* 3, 1855.

(See letter to Secretary of State, November 9, 1855.)

No. 52.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 14, 1855.

COLONEL: On my arrival here on the 1st instant I found great consternation pervading the community on account of the incursions of some Lipan Indians to the immediate neighborhood. Between twenty and thirty of these had crossed the Rio Grande, in small parties, generally of two or three, and, taking the hills at the head of the Medina and Frio Rivers, had secretly descended along the valleys of the Cibolo and Medina, and, uniting in parties of six or eight, had carried off over two hundred horses from farms on the Cibolo and on the Medina, and on the San Antonio below the junction of the Medina, down as far as the neighborhood of Goliad. On the Cibolo, near the stage-road to Indianola, they killed a boy, the son of Mr. McGhee, and a small black girl, and farther up the country they killed a woman and attempted several other murders. They were pursued by parties of citizens, generally without success. One Indian of a small party, surprised by Mr. Wallace and six or eight men, was killed. Some horses were retaken, but not many. The governor of the State, during an alarm on the Colorado, had called out a company of volunteers, under Captain Callahan, which was stationed near that river. A part of this company, with some re-enforcements from other quarters, on the alarm in this neighborhood, started, professedly, to pursue the trails of the marauders even into Mexico, where they resided, and recover the stolen animals. But it is probable, from what has since happened, that their original intention was to cross into Mexico and go to the Indian camp, there attack it, take their horses and those in their possession, and retaliate the outrages inflicted here. They arrived on the Rio Grande about the 29th or 30th of September, and about thirty miles above Eagle Pass. The river was high, and for that reason or some other they descended to a ford three miles below Fort Duncan and crossed it secretly on the night of the 1st or 2d instant, unknown to Captain Burbank, commanding that post. They then had about one hundred and ten men. On the 3d they fell into an ambuscade and were driven back to the river at Piedras Negras, a Mexican village directly opposite Fort Duncan, with the intention of crossing, but the high water deterred them. Captain Burbank, to prevent further evil from their remaining in the Mexican territory, took a position with some of his artillery to prevent their crossing from being interfered with, as they seemed afraid of being attacked by a very large force. Taking undue advantage of this they determined to remain, and sent persons here and to the neighboring towns to raise men and bring them assistance. Captain Callahan reported that on the 3d he was attacked by seven hundred or eight hundred Indians, aided by a large force of Mexicans; that he killed eighty Indians and many Mexicans. He left his own dead on the ground, and lost six men killed and wounded. The Mexicans say that their force consisted of two hundred rancheros; and that eight Lipan Indians were present accidentally and took part in the fight; that four Mexicans were killed and four wounded, but no Indians were either killed or wounded. They state Captain Callahan's loss in killed correctly, and say they took and found abandoned several horses, and also thirty pistols and rifles thrown away by the Texans in or after the action. Captain Callahan, finding his men leaving him, sent to Captain Burbank to assist him in crossing. Captain Burbank declined, telling him that he had taken on himself the responsibility of holding the place and must abide by it. Finally, Captain Callahan's party set fire to the Mexican village and burned it up most wantonly, for it was occupied by a poor class of people, generally engaged in the cultivation of small plats of ground for the supply of our garrison and the neighboring town with vegetables. After several more fruitless applications to Captain Burbank for assistance, the Texans crossed to this side and have returned to San Antonio and the neighboring towns, where they are raising men to return and try their fortune again. They represent the whole affair as a brilliant and successful exploit, and as such, no doubt, the newspapers throughout the country will represent it. They are upheld by, with very few exceptions, the whole population; and as the Indians who have committed the depredations here are undoubtedly upheld and encouraged by the Mexican authorities, it is hard to convince the Texans that retaliation on the innocent is not the way to correct the

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evil. The constant incursions of small parties of Indians justify the formation and movement of armed parties of citizens, and their approach toward the frontier cannot be questioned. It is only when they have crossed that their original design is made manifest. The difficulty of opposing Indian depredations, and preventing, at the same time, breaches of the neutrality laws, may be well imagined. As this subject involves our political relations with Mexico, I have reported the facts direct to the War Department. If copies of Captain Burbank's reports and my orders on the subject can be prepared before the mail closes I will inclose them; otherwise they will go by the next mail.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Lieutenant Colonel L. THOMAS,
Assistant Adjutant General, Headquarters of the Army.

HEADQUARTERS OF THE ARMY,
New York, October 29, 1855.

Respectfully forwarded to the Adjutant General.

L. THOMAS,
Assistant Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER,
Adjutant General.

ADJUTANT GENERAL'S OFFICE, *October* 31, 1855.

No. 53.

FORT DUNCAN, TEXAS, *October* 16, 1855.

SIR: I have the honor to acknowledge the receipt of your letter, dated October 11, last night. I have nothing of importance to report. The excitement of last week has subsided, and the good feeling which existed between the people on the opposite sides of the river, interrupted for a time by the Texan volunteers, is fast being restored. Most, if not all, of the Mexicans who crossed to this side of the river when their town was occupied by the Texans, have returned. I do not apprehend any further difficulties. I therefore think the force I now have here sufficient, and I have not made the requisition on the commanding officer at Fort McIntosh for the three companies of infantry I was authorized to do in the letter from department headquarters of October 9. According to the best information I have, the Texans have mostly returned to their homes. I think it highly improbable that they will return again, knowing, as they now do, that they will be resisted by the Mexican authorities with their entire force. The Indians brought to the river on the other side were again sent into the interior as soon as it was known the Texans had withdrawn from the frontier. These were Seminoles and Kickapoos. I will try and watch the movements of the Lipans, the Indians who have committed so many depredations on the citizens of Texas.

Very respectfully, your obedient servant,

S. BURBANK,
Captain First Infantry, Commanding.

ASSISTANT ADJUTANT GENERAL,
Department of Texas, San Antonio.

No. 54.

EXECUTIVE OFFICE, AUSTIN, TEXAS,
October 17, 1855.

SIR: I have just seen an extract of a letter from Colonel Hardee, an officer of Colonel Johnston's regiment, dated Jefferson Barracks, September 29, 1855, in which he says: "Instructions have been given that the Second Regiment of Cavalry will go to Texas, but up to this time not a wagon, to my knowledge, has be enprovided for our transportation. As the Sioux war seems to have begun, I would not be surprised if we were ordered to join General Harney. I consider it entirely doubtful if we get to Texas this fall or winter. Colonels Johnston and Lee are both absent, and I am in command of the regiment." It seems, therefore, that there is much doubt whether the regiment of Colonel Johnston will be in Texas this fall, and in the present exposed situation of our frontier, liable, as it is, to be attacked at any moment by the Lipans and Seminoles

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from the other side of the Rio Grande, prudence seems to require that an additional mounted force should at once be called into the field. Such is the opinion of the citizens residing on our western frontier, and I think that opinion well founded. I make these suggestions to you because I think such a force is now needed in the field, and because I believe if you were to call on me for such a force, say three companies from the militia of this State, it would supersede the unauthorized movement of armed men that seems to be now making in the western part of this State, and bring the whole matter growing out of the late expedition of Captain Callahan entirely under your control. Your authority to call for such a force is undoubted, for they are needed to repel the actual invasions of the Indians, which are daily occurring. Will you favor me with your views on this subject as early as convenient?

Very respectfully, your obedient servant,

E. M. PEASE.

Brevet Major General PERSIFER F. SMITH,
Commanding Department.

No. 55.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 17, 1855.

COLONEL: There is a great deal of excitement among the citizens of this part of Texas, resulting from the late events on the Rio Grande, and they are raising a thousand men to cross the river, ostensibly to chastise the Indians. I have seen several parties ride into town yesterday and to-day, well armed and mounted, and of a better class of citizens than usually join in such expeditions.

It has struck me as extraordinary that, while complaining that they are left without protection from Indian incursions, they can yet afford to send away three times the number of the regular mounted force in the whole State from the very portion of the State where assistance is said to be so much needed. I shall do all in my power to prevent any unlawful expedition, but, as the country is really infested with small parties of Indians, it is easy for any party of armed citizens who approach the Rio Grande to say they are following these marauders and protecting the frontier. These illegal expeditions require the troops to be kept near the Rio Grande, while the protection of the farmers demands that they should be brought into the interior, and it will be difficult to execute both services with numbers barely sufficient for either. If I can delay the action of those parties a few weeks no doubt many of the more prudent citizens will think better of the matter and abandon the expedition.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Lieutenant Colonel L. THOMAS,
Assistant Adjutant General, Headquarters of the Army.

No. 56.

AUSTIN, TEXAS, *October* 20, 1855.

GENERAL: On my arrival here I am placed in possession of the official reports of Special Agents Ross and Baylor, who are in charge of the Indian reservations near Fort Belknap, copies of which I have thought proper to inclose you for your information. You will perceive by reference to these reports that we may expect some difficulty with the Yampasecos, and, in fact, all of the northern tribes or bands of Comanches; that they not only threaten to attack the friendly Indians on the reservations, but to attack our settlements on our northern frontier. In order to meet any emergency that may arise, I should be pleased if you will give instructions to the commanding officer at Forts Belknap and Chadbourne as you may deem best calculated to meet the threatened danger. Under the circumstances it is deemed by me absolutely necessary to have a small force on the Comanche reservation to protect the Government employés and to overawe the Comanches now settled should they show any disposition to join their brethren farther north in attacks on our settlement.

You will perceive that Special Agent Baylor has already requested Major Paul to furnish him with a guard.

Commending this subject to your early consideration, I am, very respectfully, your obedient servant,

ROBT. S. NEIGHBOURS,
Supervising Agent Texas Indians.

Brevet Major General P. F. SMITH,
San Antonio, Texas.

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No. 57.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 21, 1858.

GOVERNOR: I had the honor of receiving your letter of the 17th yesterday. I have not the slightest apprehension that the destination of the Second Cavalry Regiment is changed or that its march will be delayed. On the contrary, my assurance is stronger every day that it will be here as soon as a due regard to the condition of the horses will permit; and I am sure that, upon considering the grounds of my certainty, which I will briefly state, you will be of the same opinion.

In the first place, Colonel Hardee, in writing a private letter to a friend here, has stated only impressions made on his own mind; he does not even hint that any information, even unofficial, is the foundation of his opinion. On the day he wrote—the 29th of September—he could not have been in possession of the formal order to march. Of course he had no authority to require or prepare the transportation for the regiment. It is possible that this final order was delayed until the situation and necessities of General Harney were determined. Accordingly, after the news of his success over the Sioux at Ash Hollow, an order from the War Department of the 25th of September, a copy of which was sent to me, directs that Colonel Albert S. Johnston should be relieved from serving on a court-martial to which he had been ordered, and that he should at once take command of his regiment, and on the 27th, two days afterward, the final order for march is issued from the Headquarters of the Army. This order could not have reached Colonel Hardee, for if it had been mailed on the day of its date it would not have been in Saint Louis when the colonel wrote. On its receipt you are well aware that it became the duty of the officer in command of the regiment at once to make requisitions on the staff officers near him for the requisite transportation and supplies, and you are also aware that there could be no difficulty at Saint Louis and its neighborhood in finding plenty of either. The absence of these preparations *before* the order for march is no evidence of the impossibility of procuring them afterward; besides, I have been officially informed of the intention of the War Department to send the regiment here. I have been directed to make preparation for their reception, and to purchase forage for their horses, involving a large expenditure. I have received and recorded the formal order for their movement. If there were any intention of changing their destination, the first act of the Department would be to inform me of it, that I might suspend the purchases that became unnecessary and meet the new position of affairs. Last night I received different orders from Washington up to the 4th instant, a week later than the date of the order of march. No change is hinted at, and I act under the most perfect confidence that up to the 4th of October the disposition of the regiment was unchanged, and that it is now on its march to Texas, and will be on the northern frontier before any other troops could be raised, equipped, and sent there. A company of the rifles arrived four days since and is on the Medina; another is on its march, and a third, probably, has started from Laredo. I could still draw up from the Rio Grande other companies now that I have their horses and equipments, if the preparations for an unlawful invasion of Mexico did not forbid me to strip the Rio Grande of its entire mounted force, and your excellency will see the false position in which I would be placed were I to call rangers into service, because the regular troops, whose place these are to supply, are kept where they are, on the Rio Grande, by the threats of the others to break the laws. I think I can answer for the protection of the frontier with the dispositions I will make by calling some infantry and a mounted artillery company to replace the mounted rifles I will bring up here; and my confidence is in no ways shaken in the expected re-enforcement by the doubts expressed in Colonel Hardee's letter before he had authentic intelligence of the movement.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

His Excellency E. M. PEASE,
Governor of the State of Texas.

No. 58.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, October 21, 1858.

COLONEL: I have the honor to transmit a report from Captain Burbank at Fort Duncan, a letter from the governor of the State, who desires some volunteers to be called into service, and my reply, and a report from Brevet Major Paul, commanding at

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Fort Belknap. Since my last report some of those engaged in raising the expedition for the Rio Grande have abandoned it, but others still persist and are very active in their efforts to raise the necessary number of men by the 15th of November, the day fixed upon for their rendezvous. Many of the best citizens of this part of the country, which the late Indian incursions have stripped of its horses, under their first impulse, joined in this movement as the only means to secure themselves, for the troops on the outer frontier were too distant to afford them instant succor, it being one hundred and sixty miles to the nearest post of consequence, Fort McIntosh. To tranquilize all this population, so justly alarmed, and thus to detach the better class of citizens from the unlawful enterprise projected, I will gradually bring the greater part of the rifle regiment into the country embraced between a line through the heads of the Cebolo, Medina, Hondo, and Frio, and the outlet of those rivers down as far as Goliad and the mission of Refugio, and keep them actively in motion, so that all the inhabitants may see a portion of them every few days and feel that they have efficient protection close at hand. I will, unless otherwise ordered, bring the headquarters of the regiment somewhere near the center of this district, and keep up this disposition until confidence is entirely restored. One company, C, is already on the Medina, and companies A and H will shortly be in this neighborhood. I have ordered three companies of infantry from Ringgold Barracks to strengthen the line between Las Moras and the old Presidio crossing, and have directed Captain Phelps's light battery to take a position where they can meet any emergency likely to occur shortly. Four hundred very good horses have been bought for the rifles in Texas, and will replace the losses met with in severe service and those which are found too heavy for light cavalry service. I propose, as a temporary measure, to take about eight horses from each company of rifles, of those too heavy for their use, and give about twenty-four to each of the companies of artillery at Forts Duncan, McIntosh, and Ringgold Barracks. They can, with these, harness two pieces and two caissons at each post, and thus instruct the men in that part of their service, and at the same time furnish a mounted scout of twenty men in case of necessity. These, in addition to two or three companies of rifles, to be kept on the Rio Grande, can secure that line until, tranquillity being restored, a new and permanent disposition can be made. This new state of affairs will modify former plans. The companies of rifles that come here may more conveniently receive their horses here, and the recruits sent to the rifles can come to Indianola. When they are ordered out I would be glad to have timely notice of it, that I may send a company or two to meet them, for the road from Indianola here is crowded with grog-shops, and raw men with few officers can hardly be kept in order. The road from Corpus Christi to Laredo is not subject to that objection, but the companies will not be at hand to receive them. I have been told by several persons, committees, &c., that if I will only call out a few companies of rangers it will at once employ the most unquiet and tranquillize the alarmed, and thus break up the contemplated enterprise. I refuse absolutely. I will exert every means I have to avoid any serious difficulty, but I will not buy the promised good conduct of such men as must necessarily enter into many of their companies at any price. The good sense and manliness of the better portion will, I hope, induce them to abandon an improper fellowship, and good order will be once more restored.

With high respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General of the Army.

No. 59.

HEADQUARTERS FORT BELKNAP, TEXAS,
October 21, 1855.

SIR: Since writing my letter of the 7th instant, I have the honor to report that a general alarm has existed among the white settlers of this neighborhood; that they have generally abandoned their farms, and fled with their families to this post for protection. I am not prepared to say that their fears are groundless, but I believe the reports in reference to hostile demonstrations by Northern Comanches as much exaggerated.

I have received several communications from Mr. J. R. Baylor, agent for the Southern Comanches, representing them in a very unquiet state, and asking for troops to be stationed among them. I have accordingly sent Captain King, First Infantry, with his company. Captain King reported that the Comanches were making preparations to leave the reserve, and this step was only prevented by his timely arrival among them. Mr. Baylor wrote again that should the troops be removed from the reservation, there

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would not be a single Comanche on it twenty-four hours after the departure of the troops. Under these circumstances, until otherwise directed, I shall leave a company or a detachment of thirty or forty men on the Comanche reserve. In order to carry out the present Indian policy, I think it will be absolutely necessary to establish a permanent post on the lower or Comanche reservation of not less than two companies, one of which should be mounted.

I am, sir, very respectfully, your obedient servant,

G. R. PAUL,
Captain Seventh Infantry, Brevet Major U. S. A., Commanding Post.

ASSISTANT ADJUTANT GENERAL,
Headquarters Department of Texas, San Antonio, Texas.

No. 60.

WAR DEPARTMENT, *Washington, November* 9, 1855.

SIR: I have the honor to transmit herewith for your information copies of four communications, with inclosures, from Brevet Major General P. F. Smith, commanding Department of Texas, dated October 10, 12, 17, and 21, on the subject of the recent and the contemplated invasion of Mexico by armed men under Captain Callahan.

Very respectfully, your obedient servant,

JEFF. DAVIS,
Secretary of War.

Hon. W. L. MARCY,
Secretary of State.

No. 60½.

Extract from remarks on roll of Captain William Tom's company.

Muster-roll of Captain William Tom's company of Texas Volunteers, organized at San Antonio on the 18th day of October, A. D. 1855, in accordance with an advisory letter of Colonel James S. Gillett, adjutant general of Texas, dated on the 17th instant. viz:

* * * * * * *

WILLIAM TOM,
Captain Commanding Company T, Mounted Volunteers.

I certify that I attended the assembling and organizing the company commanded by Captain William Tom, and have obtained funds to furnish them with subsistence and forage, half rations of corn, from the committee of safety at San Antonio.

H. E. McCULLOCH,
Superintending Organization.

I certify on honor that I mustered the above company out of service on the 16th day of November, A. D. 1855, under the instructions of Captain H. E. McCulloch; that the remarks set opposite the name of each man are accurate and just, and that they are hereby honorably discharged from said service.

WILLIAM TOM,
Captain Commanding Company T, Mounted Volunteers.

I hereby certify on honor that the above account exhibits a full and fair statement of all the moneys received by me from the vigilance committee at San Antonio, as well the manner in which the same was disbursed for their use and benefit.

EZRA KEYSER,
Orderly Sergeant Captain William Tom's Company T, Mounted Volunteers.

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No. 61.

[Extract.]

Report of Captain William G. Tobin's company of Mounted Rangers, commencing on the 12th day of October, A. D. 1855, and ending the 15th day of November, A. D. 1855, raised and organized in San Antonio, Texas; disbanded waiting for further orders.

List of names of the company.

* * * * * * * *

I certify that this is a true copy of my company.

WM. G. TOBIN.

[Extract.]

Muster-roll of Captain William G. Tobin's company of Mounted Texas Rangers, called into the service of the State of Texas, from the 12th day of October, A. D. 1855, for the term of one month unless sooner discharged. This is intended as muster in and out roll, there being no mustering officer to muster out this company.

* * * * * * *

I certify on honor that this muster-roll exhibits the true state of Captain William G. Tobin's company of Mounted Texas Rangers for the period herein mentioned; that each man answered to his own proper name in person, and that the remarks set opposite the name of each officer and soldier are accurate and just; and I do further certify that the men above mentioned were actively employed in military service of the said State from the 12th day of October, 1855, to the 15th day of November, 1855. To all of which I do swear to be true to the best of my knowledge and belief.

W. G. TOBIN,
Captain Commanding Company Texas Rangers.

Sworn to and subscribed before me, March 21, 1861.

CLEM R. JOHNS,
Comptroller.

No. 61¼.

[Extract.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, December 6, 1855.

GENERAL: * * * * * * * *

This you must allow is the state of the present case. I do not say what was the character of Captain Callahan's expedition; that the Government will decide with him. I only say, supposing it were of the character given it by its most violent enemies, yet the Government of the United States is in no way answerable to the Mexican authorities, since it is the conduct of these which has furnished Captain Callahan with the cloak to hide him from the vigilance of our own laws and its officers. More than a year since a tribe of Lipans, which had formerly been under the care of an Indian agent of the United States, in Texas, were persuaded by some of the authorities of Coahuila to move to that state, and when Major Neighbours, the Indian agent, endeavored to visit them and persuade them to return, he was not permitted by those authorities to communicate with them. These Indians were put under the protection of the civil and military authorities then in power in Coahuila, and they commenced at once a series of murders and robberies, on this side of the river, which has continued up to this time. About the beginning of the summer these Indians extended their depredations so far into the interior as to be out of the reach of the troops, which were near the frontier. Drove after drove of horses were stolen and taken at once across the Rio Grande, where they were protected from pursuit by the Mexican minor civil authorities. Now, I beg you to observe what I say here particularly, because it is the origin of all the late difficulties, and we have taken pains to obtain the fullest proof as to what I assert. Party after party of Lipan Indians, living under the protection of the Mexican authorities behind Laredo and near San Fernando, came into the settlements singly, and joining here in parties of from five to thirteen, stole horses from all the ranches on the Medina, San Antonio, and Cibolo Rivers, murdered several persons, and escaped, by a rapid flight across the Rio Grande, with much of their plunder. Citizens of Texas, from several different neighborhoods, followed them peaceably, found the stolen animals, recognized them, and endeavored to purchase them back—some from the Indians who stole them—but most of the horses were in the hands of minor civil officers, on the Mexican side, who refused all aid, or even permission, for the recovery

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of them. Finding it impossible to obtain redress for wrongs so flagrant, they determined to pursue the next band of robbers even into Mexico, which they had a right to do, seeing that the Mexican authorities not only refused redress, but aided and protected the Indians and shared their plunder. Under cover of this right, which is undoubted, other parties may have contemplated a wrong, but Mexico herself had so completely sheltered them from our pursuit that it can only be after a development of their true designs that our authorities can act, and it is then too late for prevention.

* * * * * * *

I have the honor to remain, with the highest respect, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Sr. Don EMILIO LANGBERG,
Commanding the Forces of the Mexican Republic in Coahuila.

No. 62.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, December 6, 1855.

SIR: I have the honor to inclose herewith copies of communications from Brevet Major Paul, commanding Fort Belknap, dated September 16, October 7 and 21, and from Mr. R. S. Neighbours, Indian agent, dated October 20, on the subject of Indian affairs in the northern part of the department. The reasons set forth in these several communications, taken in connection with the implied discretion conveyed in your indorsement referring to me the petition of Mr. Woodward to have two companies of mounted troops stationed at Fort Belknap, have determined me to post four companies of the Second Cavalry on the Comanche reservation. The other six companies and the headquarters are directed to encamp in the vicinity of Fort Mason, agreeably to the wish of the Secretary of War, expressed in your communication of the 20th ultimo.

Very respectfully, your obedient servant,

PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

Colonel S. COOPER,
Adjutant General, U. S. A., Washington, D. C.

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *December* 24, 1855.

No. 64.

EXECUTIVE DEPARTMENT, *Austin, Texas, December* 18, 1855.

SIR: Reposing trust and confidence in your capacity and integrity, I appoint you paymaster, to carry into effect "An act making appropriations to pay the expenses of volunteers called into the service of the State for the protection of the frontier, and for other volunteer service," approved December 17, 1855. The volunteers alluded to in this act are the companies of Captain J. H. Callahan, Captain Benton, and Captain Henry. Under the provisions of said act you will be required to give bond and security to the State of Texas in the sum of $22,000, for the faithful performance of your duties under this act. You will repair to the town of Marcas, in Hayes County, and make the payments authorized under said act, on the 7th and 8th days of January, 1856, and the following days, if necessary, previous to which detailed instructions will be given you. Your compensation under the law will be $100, which is entirely inadequate to the service, but as the service is one that will greatly benefit your neighbors and friends, I trust you will undertake it.

Yours, with respect,

E. M. PEASE.

Colonel JOHN D. PITTS.

No. 65.

EXECUTIVE OFFICE, *Austin, Texas, February* 4, 1856.

Gentlemen of the senate and house of representatives:

I transmit herewith the muster-rolls of three small companies of mounted volunteers, one commanded by William Tom, which was in service on the frontier from the 18th

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of October to the 16th of November, 1855; another commanded by W. G. Tobin, which served on the frontier from the 12th of October to the 15th of November, 1855; the other commanded by Levi English, whose precise term of service is not known to me. These companies were voluntarily organized and supported by the citizens of the frontier, for their defense during the past fall, while they were suffering from the constant attacks of hostile Indians, there being no mounted troops of the United States near enough to afford any protection.

Small parties of the last-named company had several encounters with and killed many of the Lipan Indians, and all of the companies were in active service at a time when the frontier settlements were nearly broken up by the incursions of the Indians, and contributed greatly to restore peace and confidence to those settlements. I think it but an act of justice that they should receive from the State a reasonable compensation for their services and expenses, and therefore submit the matter to your consideration, with the hope that you will make suitable provisions for their payment.

The circumstances under which these companies were organized and the service they rendered, are well known to Messrs. Maverik and McCullough, of the senate, and the Bexar delegation in the house of representatives, to whom reference is made for information on these points.

E. M. PEASE.

No. 66.

EXECUTIVE DEPARTMENT, *Austin, Texas, January* 3, 1856.

SIR: You are hereby appointed an agent of this State, under the provisions of "An act to provide for the payment of six companies of mounted volunteers that were mustered into the service of the State of Texas on the 1st day of November, 1854, under a requisition of Brevet Major General Persifer F. Smith, and to pay the expenses incurred by said companies, approved January 14, 1856, and an act to amend the several sections of said act, approved February 1, 1856, with full power and authority to receive from the State treasurer a portion of the appropriation made by said first-named act, sufficient to pay the companies commanded by yourself and Captain J. G. Walker, for three months, at the same rate per month as they were afterward paid by the United States while in their service.

Upon the receipt of said money, you will, as early as convenient, give public notice of the time when you will meet the members of said companies at or near the places where they were respectively organized, for the purpose of paying them off, under the provision of said act. James R. Shaw, esq., the comptroller of public accounts, will inform you what amount of pay per month each member of said companies is entitled to receive; he will also advise you what character of vouchers you will be required to take for the payments you may make under this appointment; and his instructions in regard to these matters must be strictly followed.

Any assignment from any member of said companies of his pay which does not show on its face that the assignor knew at the time of its execution that he was entitled to receive three months' pay from the State will only be recognized as conveying to the assignee the pay due the assignor for the time he was actually in the service of the State, which time of service was, for the members of your company, one month and twenty-one days, and for the members of Captain Walker's company one month.

Should any of the members of said companies fail to apply to you for their pay at the time and place you may appoint, or within a reasonable time thereafter, you will return the residue of the money, with the vouchers for the payments you have made, to the comptroller, and make a final settlement with him.

The names of the persons who composed said companies you will ascertain from the duplicate muster-rolls furnished to the captains by the officer who mustered them, or from any authentic copy of said duplicate or original roll. You will be allowed for your services, on a settlement of your accounts, under this appointment, with the comptroller, a reasonable compensation, to be paid out of the appropriation made by this act.

E. M. PEASE.

GILES S. BOGGESS, Esq.

No. 67.

EXECUTIVE OFFICE, *Austin, Texas, February* 5, 1856.

SIR: You are hereby appointed, under the provisions of "An act to provide for the payment of six companies of mounted volunteers that were mustered into the service of

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the State of Texas on the 1st day of November, 1854, under a requisition of Brevet Major General Persifer F. Smith, and to pay the expenses incurred by said companies," approved January 14, 1856, and an act to amend the seventh section of said act, approved February 1, 1856, as the agent of the State to receive from the State a portion of the appropriation of money made by said act, sufficient to pay the company commanded by Captain William Fitzhugh, that was organized at the town of McKinney, in Collin County, for three months.

Upon the receipt of said money, you will proceed, as early as convenient, to pay the members of said company, at said town of McKinney, after giving a reasonable public notice of your authority to make such payments, for three months' services, at the same rate for such time as they were paid by the United States while in their service, which rate will be furnished to you by James B. Shaw, esq., comptroller. The names of the persons composing said company you will ascertain from the copy of the muster-roll that will be furnished you by Mr. Shaw. You will recognize no assignment of any member of said company which does not show on its face that the party knew that he was entitled to three months' pay as conveying a right to any more than one month and twenty-one days' pay; service all over and above that amount is a gratuity from the State, and should only be paid to the party who rendered the service, unless the said party has assigned it with a full knowledge of his right.

The comptroller will advise you fully what character of vouchers you are required to take for the payments you may make under this appointment, and his instructions must be strictly followed. As soon as convenient, after you shall have paid all the parties that may apply to you at McKinney, within the time you may fix for their payment, you will return the residue of the money, together with the vouchers for the payments you have made, to the comptroller, and make a final settlement with him of your proceedings.

You will be allowed for your services, on a settlement of your proceedings under this appointment, a reasonable compensation, to be paid out of the appropriation made by said act.

E. M. PEASE.

JAMES W. THROCKMORTON, Esq.

No. 68.

EXECUTIVE OFFICE, *Austin*, *March* 22, 1856.

DEAR SIR: You are hereby appointed as the agent of this State to pay the company of Captain Patrick H. Rodgers, which was enrolled at the town of Brenham in the month of October, 1854, for three months' services.

The pay of the members of said company will be the same as that allowed by the laws and regulations of the United States to mounted volunteers, a statement of which, together with the muster-roll and particular instructions as to the manner of payment and the vouchers necessary to be taken by you, will be furnished to you by the comptroller of public accounts, which must be strictly followed.

You will recognize no assignment from any member of said company as conveying more than his pay for one month and twenty-two days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive full three months' pay and intends to convey that amount.

You will commence paying said company at the town of Washington, on the 31st day of March instant, and remain at that place a reasonable time for the members of said company to apply for their pay. You will receive from the comptroller the funds necessary to pay said company, and, after the expiration of the time you may deem reasonable for the members to apply and receive their pay, you will return what funds may remain in your hands to the comptroller and make a settlement with him of your accounts and doings under your appointment.

The amount of compensation cannot be stated at this time, but it will be fixed so soon as I can ascertain the amount of the appropriation that will remain after the payment of all of said company.

E. M. PEASE.

Colonel A. M. M. UPSHUR.

No. 69.

EXECUTIVE OFFICE, *Austin, Texas*, *March* 31, 1856.

GENTLEMEN: Your communication of the 12th instant, representing that, unless so nothing be done immediately for the protection of the citizens residing on the Up-

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per Blanco, Guadalupe, Curry's Creek, and Perdinales, they will be compelled to give up their homes, has just been received. I have not been unmindful of your exposed condition, and some time since requested the commanding general of this department to have mounted troops sent to your vicinity for its protection, but I have heard nothing from him in reply.

You must be well aware that no means have been placed at my disposal for frontier protection, and, without means, I can do nothing effective. I would, however, advise that your settlement organize a company of minute-men. Let a small number, say ten or fifteen, be kept scouting, whose duty it shall be to notify the company to assemble and pursue the Indians whenever it shall be ascertained that they are in the neighborhood. Such a course will enable you to rally a respectable force at a short notice and, I think, will tend to restore confidence. Should you conclude to act on this advice, you will keep me advised of your proceedings, and I shall take pleasure in urging the legislature to make a suitable compensation for the service of those who may be employed, and to pay for all reasonable expenses that may be incurred. I do not intend to advise the organization of a force for offensive warfare at a distance from your homes, but that you shall endeavor, by this plan, to give yourselves protection against the Indians who may come into the vicinity of our settlements.

Yours with respect,

E. M. PEASE.

Messrs. J. H. CALLAHAN, E. BEN. GEORGE, R. W. JOHNSON, OTTO WUPPERMAN, and others.

No. 70.

EXECUTIVE OFFICE, *Austin, Texas, April* 10, 1856.

DEAR SIR: You are hereby appointed as the agent of this State to pay the company of Captain William R. Henry, which was enrolled at the town of Goliad in the month of October, 1854, for three months' services. The pay of the members of said company will be the same as that allowed by the laws and regulations of the United States to mounted volunteers, a statement of which, together with the muster-roll and particular instructions as to the manner of payment and the vouchers to be taken by you, will be furnished to you by the comptroller of public accounts, which must be strictly followed.

You will recognize no assignment from any member of said company as conveying more than his pay for one month and fourteen days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive full three months' pay and intended to convey that amount.

You will commence paying said company at the town of Seguin, on the 15th day of April instant, and remain at that place a reasonable time for the members of said company to apply for their pay.

You will receive from the comptroller the funds necessary to pay said company, and, after the expiration of the time you may deem reasonable for the members to apply and receive their pay, you will return what funds may remain in your hands to the comptroller and make a settlement with him of your acts and doings under your appointment.

The amount of compensation cannot be stated at this time, but it will be fixed so soon as I can ascertain the amount of the appropriation that will remain after the payment of all of said company.

E. M. PEASE.

Colonel JOHN D. PITTS.

No. 71.

EXECUTIVE OFFICE, *Austin, Texas, May* 1, 1856.

SIR: You are hereby appointed to pay off the company of Captain Charles E. Travis, under the provisions of "An act to provide for the payment of six companies of mounted volunteers that were mustered into the service of the State of Texas on the 1st day of November, A. D. 1854, under a requisition of Brevet Major General Persifer F. Smith, and to pay the expenses incurred by said company," approved January 14, 1856, and an act to amend the seventh section of said act, approved February 1, 1856.

Your compensation for services will be the same as may hereafter be allowed to the persons appointed to pay off the companies.

E. M. PEASE.

JAMES H. RAYMOND, Esq.

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No. 72.

Extract from general remarks on J. M. Davenport's company roll.

1*st*.—On the 20th day of March, 1856, a party of Indians, supposed to be Comanches, came into the Lower Sabinal settlements and stole seven head of horses and mules. I took the trail with my men, which was followed up to the head-waters of the New Esses, then crossing we proceeded to the south prong of the Llano, and on arriving there late in the afternoon discovered the Indians encamped barbecuing a horse. We charged the camp, but being on an elevated position and the Indians in a low ravine, discovered our movements and made their escape through a mountain pass, being then dark, and in the morning no trail was visible.

Scout 2*d*.—On the night of the 16th day of May, a party of Comanche Indians, eight in number, came into old Fort Lincoln and stole eight head of horses. We took their trail next morning, and followed them to the head-waters of the Medina River, but, owing to a heavy rain, we lost the trail and could not proceed any further.

Scout 3*d*.—On the night of the 7th June, 1856, there was a party of Indians, supposed to be twenty-five in number, came into the Upper Sabinal settlements, known as the Carrion Valley, five of them entering the yard of Mr. Aron Anglon and killed two dogs; being fired on by John Leaky, a private of my company, who was stopping for the night in Mr. Anglon's house, and from his exertions the Indians left the yard. I sent five men next morning to hunt for their trail while I was collecting the balance of the men about three miles southwest from Anglon's house. The above-mentioned five men came on the Indians in camp on the Frio Mountains, (this being the place where Mr. Leaky and Baremore received their wounds.) On the morning of the 9th I took the trail with twenty of my men, and followed it for eight days, and finally came up with them in camp on the Leon River about thirty miles from Fort Inge, (south.) We charged the camp and killed seven of them, which lay on the ground, and wounded several others. We also captured four head of horses, three shields, six quivers with bows and arrows, two rifle-guns, and one Government revolver. We made various other scouts too numerous to report, but all of which came off with success.

I remain, sir, your obedient servant,

JOHN M. DAVENPORT,
Captain M. M. Volunteers.

No. 73.

EXECUTIVE OFFICE, *Austin, Texas, August* 4, 1856.

Gentlemen of the senate and house of representatives:

I have the honor to inform you that, about the month of March last, communications were received from the settlements on the Upper Blanco, Guadalupe and Comy's Creek, complaining of their exposed situation and asking protection against the Indians, who committed frequent depredations about that time in those settlements and also in the settlements farther west.

I replied to the communications that no means had been placed at my disposal for the protection of the frontier, and advised them to organize a company of minute-men for their own protection, and that I would urge the legislature to compensate them for their services and expenses.

Acting upon this advice, a company was organized in the vicinity of Comy's Creek a muster-roll of which, together with an appraisement of their horses and arms, was forwarded to me.

Since the meeting of the legislature, I have received a communication from J. W. Sansom, captain of this company, informing me that he had been discharged and inclosing a statement of the number of days served by each man.

I transmit herewith the original petition for relief, a copy of my letter in reply to it, the original muster-roll of the company, appraisement of horses and arms, together with the communication of Captain Sansom informing me of the discharge of the men and the time they served, which papers are numbered from one to four. A similar company was organized on Bancharos and Sabinal Creeks in March last, of which John M. Davenport was elected captain. I transmit herewith the letter of Captain Davenport advising me of its organization, and also another letter from him of a more recent date, giving an account of a fight with the Indians.

A letter was addressed to Captain Davenport of a similar character to that written to the citizens of the Upper Blanco.

More recently a similar company has been organized in Uvalde County, of which Reading W. Black has been elected captain, and I transmit herewith his letter informing me of the organization.

I am well satisfied that these companies were actually necessary to keep the frontier settlements from breaking up, and they have done good service in their protection.

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Several members of your own body are well informed of the situation of the settlements where the companies were organized and the necessity that existed for them; I trust the legislature will encourage such efforts on the part of our citizens to protect themselves and will make provisions for paying them a reasonable compensation for their services and expenses.

E. M. PEASE.

No. 74.

EXECUTIVE OFFICE, *Austin, Texas, October* 1, 1856.

SIR: Having been unable to find any person who will accept the office of paymaster for the companies of Captain William Tom, jr., Levi English, and William G. Tobin, and pay them in the manner and for the compensation provided for by "An act providing for the payment of the companies of mounted volunteers commanded by Captains William Tom, jr., Levi English, and William G. Tobin, organized for the temporary protection of the western portion of Texas," approved August 30, 1856, I have concluded to appoint you to make said payments at the treasury. You will therefore proceed and make the payments to said companies at the State treasury as the parties may apply for the same, being governed in other respects by the provisions of said act.

E. M. PEASE.

JAMES H. RAYMOND, Esq.

No. 75.

WAR DEPARTMENT, *Washington, September* 16, 1857.

SIR: I received your letter yesterday, stating that a rumored expedition was preparing in the western part of Texas for the invasion of Mexican territory, and that the names of distinguished men were connected with it. I hope very sincerely, for the sake of this country, that this report may prove to be unfounded.

We are not only at peace with Mexico, but that peace is guaranteed by the most solemn undertaking and deliberate pledges which it is possible for one country to give another. It should be borne in mind, too, that these pledges are the work of the people themselves; they have pledged their word, they have plighted their faith, that peace should be preserved between the two sister republics. By many, these pledges have the sanction of an oath, for, under the Constitution, which we have sworn to support, the treaties entered into by the Government are made the supreme law of the land. Without provocation, therefore, to enter upon the territories of Mexico for any hostile purpose whatever is an act as indefensible and as repugnant to every sentiment of honesty, manliness, and good faith as an act of open piracy upon the high seas. Such outrages tarnish our national honor and materially damage the high and deserved reputation of our people for courage and chivalry.

It would be very humiliating to think that any respectable number of American citizens could be instigated by a knowledge of Mexican feebleness to commit an act of outrage upon that nation which fear would restrain them from committing against our more powerful neighbors in the north. It is the part of magnanimity to spare the feeble, even in legitimate warfare, but it is good cause of eternal reproach to those whom the weakness of a friendly nation could incite to acts of rapine, plunder, and outrage.

It is your duty to prevent, by all the means within your power, the consummation of any such design, and I am instructed by the President to say that the whole force under your command must be used, if necessary, to arrest any movement whatever of the sort, and you are hereby directed to enforce obedience to the law in such cases made and provided. These provisions are deemed amply sufficient and are hereby transcribed for your instruction and direction. (See sixth and eighth sections of the act of April 20th, 1818, Statutes at Large, vol. 3, page 449, "An act in addition to an act for the punishment of certain crimes," &c.)

You will see the necessity for great vigilance and activity in preventing such a movement, if, in truth, such an one is seriously thought of.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Brevet Major General D. E. TWIGGS,
San Antonio, Texas.

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No. 76.

EXECUTIVE OFFICE, *Austin, Texas, November* 3, 1857.

GENTLEMEN: Some correspondence has taken place between this office and Brevet Major General Twiggs, commanding this department, in regard to the inadequacy of the force he now has to give protection to our extended frontier against the depredations of the numerous bands of Indians who are scattered along our northern and western borders. I inclose herewith copies of the letters received from General Twiggs, together with the copy of the draught of a bill for raising a regiment of mounted volunteers from this State. You will perceive that General Twiggs has asked for an increase of troops, and, in case none can be sent here from other departments, he is desirous of having this volunteer regiment of our citizens for one or two years. The only alterations I would suggest in the bill are that there should be two majors, as that number is allowed to each regiment in the Regular Army; that the term of service should be changed from one to two years, and that all after the word "month," in the third line of the last section, be stricken out. Within the last few months the mail train from San Antonio to El Paso was attacked and robbed of many of its animals, and I have now before me a communication just received from a large number of citizens residing on the waters of the San Saba and Upper Colorado Rivers, stating that the Indians have recently made several incursions into those settlements and stolen and carried off nearly three hundred horses. These aggressions show conclusively that the force now assigned to our frontier is inadequate to its protection and that there is a pressing necessity for this regiment. You must be aware that our citizens have long been desirous of having such a regiment for our defense, and the present seems to be a favorable opportunity for securing it, since I am assured that General Twiggs will co-operate with you in urging the measure upon the attention of Congress.

Very respectfully,

E. M. PEASE.

Hon. GUY M. BRYAN and JOHN A. REAGAN.

No. 77.

EXECUTIVE OFFICE, *Austin, November* 23, 1857.

SIR: You are hereby authorized to enroll a company of twenty mounted men in the counties of Erath and Palo Pinto, to serve for three months for the protection of the settlements in said counties against the incursions of hostile Indians. Each man will furnish himself with a good rifle or double-barreled-shot gun, and one or more pistols, with a sufficient quantity of ammunition, a good horse, saddle, and bridle. When the company shall have been enrolled you will cause an election to be held for one lieutenant to command the company, and one sergeant and one corporal, and make out duplicate muster-rolls, one of which you will deliver to the lieutenant and the other you will forward, as early as convenient, to this office.

The officers and men, respectively, will be paid by the State while in actual service at the same rates as mounted volunteers were paid by the United States during the Mexican war. They will furnish themselves with subsistence and forage, and will be allowed therefor in accordance with the commutation fixed by the rules of the United States service. When the company shall have been organized you will deliver to the lieutenant the accompanying letter of instructions for his government, and also a copy of this letter to yourself. Each officer and private will also be allowed pay for all ammunition necessarily used in service, on the certificate of the lieutenant.

E. M. PEASE.

THOMAS K. CARMACK, Esq.

NOTE.—Similar authority at same time issued to John H. Conner for thirty men and Neill Robinson for twenty men, to be enrolled in other counties of this State.

No. 78.

EXECUTIVE OFFICE, *Austin, November* 23, 1857.

To the lieutenant who may be elected to command the company of mounted men authorized to be enrolled by John H. Conner in the counties of Brown and San Saba:

SIR: You will keep the whole or such portion of your company as you may consider necessary, in actual service, at such point or points upon the frontier in the vicinity of Brown and San Saba Counties, and the adjoining counties, as will best enable them to give protection to the inhabitants against the incursions of hostile Indians.

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The object in raising your company being mainly for defensive operations, it is not expected that you will make any distant expeditions against Indians, unless it may become necessary to follow up hostile parties of them who have committed depredations upon our citizens. You will in no event interfere with the Indians who are settled on the Government reservations, nor with any of those belonging to the reservations that you may meet with off the reservations, unless you find them actually committing depredations upon the settlers or under such circumstances as shall leave no doubt that they have been actually committing acts of hostility against our citizens. You will exercise extreme caution, so as not to give offense to any friendly tribes, as such a course of proceeding will be certain to increase the dangers to which our settlements are now exposed. It is not intended that you shall keep the whole or any part of your company in active service any longer at one time than there shall be an actual necessity for them, but that you shall, from time to time, keep only such number actively employed as will give security and confidence to the settlements you are designed to protect, so as to make the three months of service extend over as long a period of time as possible. You will keep an accurate account of the number of days that each officer and private is actually employed, and make a return of the same to this office, under oath, to serve as a guide in paying them for their services. You will make regular reports of all the operations of the men under your command to this office as often as once in two weeks, which report you will transmit through the post-office nearest to you. Should any of your company fail to furnish himself in accordance with the requirements contained in the instructions to the enrolling officer, or fail in his duty under your command, it will be deemed a sufficient cause for withholding his pay, and you will report all such cases without delay.

E. M. PEASE.

No. 79.

A JOINT RESOLUTION requesting our Representatives and instructing our Senators in the United States Congress to call upon the United States Government to refund the money heretofore paid out by the State of Texas for the defense of her frontier since the 28th day of February, 1855.

Whereas, under the compact of annexation, the State of Texas is entitled to protection from the depredations of Indians by the Government of the United States; and whereas that protection, in many instances, has not been afforded to the exposed portions of the frontier since the 28th February, A. D. 1855, in consequence whereof the governor of this State has, from time to time, been compelled to order rangers or volunteers into the field to protect the lives and property of our citizens against predatory bands of Indians which have infested our frontier; and whereas the legislature has appropriated nearly one hundred thousand dollars out of the treasury of the State to pay the troops so called out, which sums of money have not been refunded to the State by the United States: Therefore,

Resolved, That our Senators in the United States Congress be instructed and our Representatives be requested to urge upon the Government of the United States the necessity of refunding the amount of money paid out by Texas for the defense of the frontier at the earliest day possible, and that the governor be requested to furnish each of our Senators and Representatives in the United States Congress, and the Secretary of War, with a copy of this preamble and resolution, accompanied by a full statement of all the sums of money paid by the State for the defense of the frontier as aforesaid.

WILLIAM S. TAYLOR,
Speaker of the House of Representatives.
H. R. RUNNELS,
President of the Senate.

No. 80.

EXECUTIVE OFFICE, *Austin, December* 7, 1857.

SIR: You are hereby authorized to enroll a company of twenty mounted men in the counties of Coryell and Comanche to serve for three months for the protection of the settlements in said counties against the incursion of hostile Indians. Each man will furnish himself with a good rifle or double-barreled shot-gun, and one or more pistols, with a sufficient quantity of ammunition, a good horse, saddle, and bridle. When the company shall have been enrolled, you will cause an election to be held for one lieutenant to command the company, and one sergeant and one corporal, and make out duplicate muster-rolls, one of which you will deliver to the lieutenant, and the other you will forward as early as convenient to this office.

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The officers and men, respectively, will be paid by the State, while in actual service, at the same rate as mounted volunteers were paid by the United States during the Mexican war. They will furnish themselves with subsistence and forage, and will be allowed therefor in accordance with the commutation fixed by the rules of the United States service. When the company shall have been organized, you will deliver to the lieutenant the accompanying letter of instructions for his government, and also a copy of this letter to yourself. Each officer and private will also be allowed pay for all ammunition necessarily used in service, on the certificate of the lieutenant.

E. M. PEASE.

THOMAS C. FROST.

No. 81.

THE STATE OF TEXAS.

Whereas, under the authority vested in me by "A joint resolution authorizing the governor to raise and muster into the service of the State mounted men for the protection of our frontier," approved November 17, 1857, I did, on the 23d of November, 1857, authorize Neill Robinson, esq., to enroll a company of twenty mounted men in the settlements on the waters of the Upper Blanco and Guadalupe, to serve for three months for the protection of said settlements against the incursions of hostile Indians, and to cause an election to be held by said company, when enrolled, for one lieutenant to command the same; and whereas the said Neill Robinson has reported that he caused said company to be enrolled and said election to be held on the 14th day of December, 1857, and that John Seaborn Hodges was duly elected the lieutenant to command said company:

Now, therefore, I, E. M. Pease, governor of said State, by virtue of the authority vested in me by said joint resolution, do hereby appoint and commission him, the said John Seaborn Hodges, as a lieutenant from the day of his said election, hereby vesting him with all such authority as pertains to his said office, under his letter of instructions, and such other instructions as may from time to time be given to him by the executive of this State for the time being.

In testimony whereof I have hereunto signed my name and caused to be affixed the great seal of the State at the city of Austin this the 19th day of December, 1857, and of the independence of Texas the twenty-second year.

[SEAL.] E. M. PEASE.

By the governor:
EDWARD CLARK,
Secretary of State.

No. 82.

THE STATE OF TEXAS.

Whereas, under the authority vested in me by "A joint resolution authorizing the governor to raise and muster into the service of the State mounted men for the protection of our frontier," approved November 17, 1857, I did, on the 23d day of November, 1857, authorize John H. Conner to enroll a company of thirty mounted men in the counties of Brown and San Saba, to serve for three months for the protection of the settlements in those counties against the incursions of hostile Indians, and to cause an election to be held by said company, when enrolled, for one lieutenant to command the same; and whereas the said John H. Conner has reported that he caused said company to be enrolled and said election to be held on the 2d day of December, 1857, and that John H. Conner was duly elected the lieutenant to command said company:

Now, therefore, I, E. M. Pease, governor of said State, by virtue of the authority vested in me by said joint resolution, do hereby appoint and commission him, the said John H. Conner, as a lieutenant from the day of his said election, hereby vesting him with all such authority as pertains to his said office under his letter of instructions, and such other instructions as may, from time to time, be given to him by the executive of this State for the time being.

In testimony whereof I have hereunto signed my name and caused to be affixed the great seal of the State at the city of Austin this the 19th day of December, A. D. 1857, and of the independence of Texas the twenty-second year.

[SEAL.] E. M. PEASE.

By the governor:
EDWARD CLARK,
Secretary of State.

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No. 83.

Extract of remarks on roll of Thomas C. Frost's company.

CORA, COMANCHE COUNTY, TEXAS,
December 22, 1857.

To his excellency the governor of the State of Texas:

In pursuance to an order to me directed by your excellency, on the 7th instant, I have enrolled a company of twenty mounted men to serve for the term of three months for the protection of the settlements in the counties of Comanche and Coryell against the incursions of hostile Indians.

I proceeded, in obedience to said order, to muster into service on the 21st instant said company, who were furnished and equipped as the order directs. I caused an election to be held for the offices of lieutenant, sergeant, and corporal, have made out duplicate muster-rolls, one of which is hereby transmitted and the other delivered to the lieutenant of said company, and all the requisitions of said order have been complied with, and the company is now in service.

* * * * * * *

T. C. FROST.

No. 84.

EXECUTIVE DEPARTMENT, *Austin, Texas.*

To all to whom these presents shall come, greeting:

Know ye that, by virtue of the power and authority in me vested by an act of the legislature of the State of Texas entitled "An act for the better protection of the frontier," approved January 27, 1858, I, H. R. Runnels, governor of said State, have this day appointed, and do by these presents appoint and commission, John S. Ford, sr., captain to command the forces of the State, as enrolled by virtue of that act and as specified in that act, and to superintend the protection of the frontier.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed this the 28th day of January, 1858, and of the year of the Independence of the United States the eighty-second and of Texas the twenty-second.

[SEAL.] H. R. RUNNELS.

By the governor:
T. S. ANDERSON,
Secretary of State.

No. 85.

THE STATE OF TEXAS,

To all to whom these presents shall come, greeting:

Know ye that I, H. R. Runnels, governor of said State, reposing special trust and full confidence in the honor and patriotism, fidelity, and capacity of Ed. Burleson, do hereby appoint him first lieutenant in Captain John S. Ford's company of Texas rangers, and quartermaster and *ex-officio* paymaster of the forces called out under the provisions of "An act for the better protection of the frontier," approved January 27, 1858; and I do hereby authorize and empower him, the said Ed. Burleson, to exercise, discharge, execute, and perform all and singular the duties of this appointment according to law, for and during the term of six months from the date hereof, unless sooner discharged by the governor.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed this the 8th day of February, 1858, and of the year of the Independence of the United States the eighty-second, and of Texas the twenty-second.

[SEAL.] H. R. RUNNELS.

By the governor:
T. S. ANDERSON,
Secretary of State.

Memorandum.—Similar commission issued to William A. Pitts for second lieutenancy of Ford's company.

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No. 86.

EXECUTIVE OFFICE, AUSTIN, *May* 20, 1858.

SIR: You are hereby authorized to enroll a company of twenty mounted men in the counties of San Saba and Llano, to serve for sixty days, or until such time as may be hereafter advised, for the protection of the settlements against the Indians; each man will furnish himself with a good rifle, or double-barreled shot-gun, with one or more pistols, with a sufficient quantity of ammunition, a good horse, saddle, and bridle.

You will yourself hold the rank of lieutenant, and take command of the company. You will cause an election to be held by the men, when enrolled, for one sergeant and one corporal, and make out duplicate muster-rolls, one of which you will forward to this office as early as convenient and keep the other yourself, particularly noting the term of actual service of the company and of each of its members, and return the same to this office whenever the services of the company shall be discontinued; the officers and men will look to the legislature for compensation, which, if allowed, will be at the same rate for their services as is now allowed to other companies engaged in the service of the State, at the option of the legislature.

They will furnish themselves with subsistence, &c., for which they will, at the option of the legislature, be entitled to the same pay as allowed to volunteers who have been called into the service; they will also be entitled to pay for all ammunition necessarily used in the service, on the certificate of the lieutenant.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed. Done at the city of Austin this the 20th day of May, A. D. 1858, and in the year of the independence of Texas the twenty-third.

[SEAL.] H. R. RUNNELS.

JOHN WILLIAMS, Esq.

By the governor:

T. S. ANDERSON,
Secretary of State.

No. 87.

THE STATE OF TEXAS,

To all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the honor and integrity of Neill Robinson, I do hereby appoint him paymaster, under an act of the seventh legislature of the State of Texas, approved February 13, 1858, and entitled "An act to provide for the payment of three companies of minute-men, commanded by Captain John W. Sansom, John D. Davenport, and Reading W. Black;" and I do hereby authorize and empower the said Neill Robinson to do and perform all the duties of this appointment, under and in obedience to the provisions of the above-entitled act.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 25th day of May, A. D. 1858, and of the year of the independence of Texas the twenty-third.

[SEAL.] H. R. RUNNELS.

By the governor:

T. S. ANDERSON,
Secretary of State.

No. 88.

THE STATE OF TEXAS,

To all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the honor and integrity of Neill Robinson, esq., of Blanco County, I, H. R. Runnels, governor of said State, by virtue of the authority vested in me by "A joint resolution authorizing the governor to raise and muster into the service of the State mounted men for the protection of the frontier," approved November 17, 1857, do hereby appoint him, the said Neill Robinson, paymaster, to pay off a company commanded by lieutenant John S. Hodges, for their services according to the rates allowed by the United States to volunteer mounted

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militia when called into their service; and I do hereby authorize and empower the said Robinson to do and perform all the duties of this appointment under and in obedience to the provisions of the above-entitled joint resolution.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 27th day of May, A. D. 1858, and of the year of the independence of Texas the twenty-third.

[SEAL.] H. R. RUNNELS.

By the governor:

T. S. ANDERSON,
Secretary of State.

No. 89.

EXECUTIVE OFFICE, *Austin, July* 13, 1858.

SIR: You are hereby instructed to disband the twenty men which you were authorized to raise for frontier protection when their term of sixty days' service shall have expired, and make due report of the same to this office.

With due respect, I am, sir, very respectfully,

H. R. RUNNELS.

Lieutenant JOHN WILLIAMS,
San Saba.

No. 90.

EXECUTIVE OFFICE, *Austin, October* 4, 1858.

DEAR SIR: I recived by last night's mail a letter from Major Bishop, of Wise County, inclosing the petition of a large number of citizens, giving such an account of the condition of that frontier as to require, if true, action by authority of the State, the General Government having failed to adopt the necessary measures for its protection. I was also much pleased to see from a paragraph in the Dallas Herald that you had taken the matter in hand, and, with a number of your fellow-citizens, had determined to follow up and punish the Indian enemy. I hope before this reaches you you will have done so and been successful.

I inclose you, by the bearer of this, a commission, which will enable you to act with authority in the matter and give direction to the necessary movements against the common enemy, which I hope you will be able, consisteutly with your feelings, to accept. You are aware that it is impossible for me to know the requisites of such an emergency, situated so far from the scene as I am.

There must be some one in whom I can and should confide in matters of so much moment, for, while I am willing to do everything in my power, it will not do to rely on every representation that is made. I know of no one in your section whose past experieuce will so well justify me in confiding the direction of affairs at this time as yourself. I therefore authorize you to adopt such measures of defense as you may deem desirable to meet the existing emergency. You are authorized to raise a come pany of seventy-nine men, rank and file, for three months' service, or for such time a- may be hereafter directed, but such company in no event to be kept under pay longer than their services are absolutely required. If you shall have become satisfied of the tribes committing the depredations, and believe that an expedition against them at their own homes is necessary and practicable, you are then authorized to raise such additional number of men as may be required for the purpose, and pursue and punish them, wheresoever they may belong and wherever they may go.

If satisfied of their guilt, you will pay no regards to treaty stipulations between them and the Government of the United States in any event, without the unconditional surrender of the offending parties and the return of the stolen property of our citizens. If the General Government cannot or will not protect our citizens from her Indians, and the necessity devolves on them of doing so, the whole civilized world will justify and sustain them in exercising the right.

If you should find it necessary to cross Red River, you can co-operate with Major Van Dorn's command or not, as you may think best.

You will use all possible exertion to overtake and punish the offenders, find them where you will, within our territory or out of it, without regard to time or place, excepting the Indian reserves only, but regarding the circnmstances of your ability to do so alone. You will perceive the necessity of the greatest celerity of movement, at the same time that due caution should be exercised on attempting an expedition against

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any of the bands in their own strongholds, lest the force of the blow should be foiled or weakened by giving them time for preparation or escape.

If you should determine not to act under this commission, you are then authorized to raise the company or designate some proper person to do so, to the efficient and proper officering and manning of which I shall hope you will give some attention, as without good officers and good men there is no efficient service to be expected.

All reasonable expenses for ammunition will be paid to your requisition on the comptroller. The means for the pay and subsistence of the men will have to be provided by the next legislature at its next regular session. You will please let me hear from you by the return of the messenger, and give me as exact an account of the situation of affairs and the requirements of the occasion as may be in your power.

Oblige, very respectfully,

H. R. RUNNELS.

Colonel JAMES BOURLAND,
Cooke County, Texas.

AUSTIN, *October* 6, 1858.

I have been disappointed in getting the messenger off as soon as soon as expected, and have opened the envelope to make an additional suggestion. I hope you will take no action, unless it is absolutely necessary, without communicating further with me or until you are satisfied the emergency requires it fully. I know not how far the legislature may be willing to justify the step, as its indorsement will be necessary in getting an appropriation. I have taken this course in giving you authority because I cannot be present to know the requisites and because of the absolute necessity of checking the forays of the Kickapoos and other United States Indians who are believed to have been interrupting our territory. I have written to the President I would punish them if the Government did not restrain them.

H. R. RUNNELS.

Copy of memoranda of instructions forwarded to Colonel Bourland.

1st. To make a disposition of the force to cover and protect the exposed settlements. Making stations upon or near the trails or passes of the Indians.

2d. Pursuing trails to the camp of the enemy, chastising him, and destroying his supplies.

3d. Reclaiming stolen property, no difference in whose hands it is found. The possession *prima facie* evidence that the possessor was the robber; where the property is not given up peaceably, to take it by force, and in the case of Indians to take life, if necessary to accomplish the object.

4th. To break up the trade carried on between the friendly Indians north of Red River and the Comanches and their confederates. To assure the former, if they do not desist, Texas will make war upon them, and the United States will, in the end, have to co-operate and send the Government troops to invade their territory.

5th. To co-operate with Major Van Dorn, if practicable.

6th. To issue rations of subsistence and forage in accordance with the laws of the United States. To cover all issues by requisitions and returns. To issue ordnance and stores in a regular manner.

In these matters there must be system and compliance with law and the regulations of the United States Army.

7th. To use strict economy, and purchase no article unless absolutely necessary for the good of the service, and within the line of articles used by the like army in the like United States service.

8th. The rules and regulations of the United States Army and the Articles of War to be observed and enforced as near as can be.

You will, as soon as practicable after the company has been organized, forward to this office a copy of the muster-rolls, with the names of the officers elected and properly authenticated.

H. R. RUNNELS.

No. 91.

THE STATE OF TEXAS,

To all to whom these presents shall come, greeting:

Know ye that, by virtue of the power vested in me by an act of the legislature of the State of Texas entitled "An act for the better protection of the frontier," approved

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January 27, 1858, I, H. R. Runnels, governor of said State, have this day appointed, and do by these presents appoint and commission, James Bourland, of Cooke County, captain to command a company of seventy-nine men to be raised and enrolled into the service of the State by him, under the provisions of said law, and to serve on the frontier for the term of three months, if not sooner discharged from said service by the governor.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 4th day of October, A. D. 1858, and of the independence of Texas the twenty-third year.

[SEAL.] H. R. RUNNELS.

By the governor:
T. S. ANDERSON,
Secretary of State.

No. 92.

EXECUTIVE OFFICE, *Austin, Texas, October* 8, 1858.

SIR: I have the honor herewith to inclose an abstract from the comptroller's office of the different sums appropriated by the State of Texas for protection against the Indians, and now remaining unpaid by the Government of the United States, which, if consistent with the views of the Department, we shall hope will be included in the estimates of expenditure for the present year. The muster-rolls and vouchers are all on file in that office, and will be forwarded to the proper office at Washington as soon as intelligence shall reach here of an appropriation by Congress to cover the amount. I have also the honor to inclose herewith copy of a letter of recent date from this office to Colonel James Bourland, with instructions for his guidance in regard to Indian disturbances on the northern frontier of this State. These particular disturbances are believed to be, in a great degree, attributable to certain predatory bands in treaty with the General Government, who have hitherto roamed on that part of our Territory at pleasure, and of which I have at former times taken occasion to give the Government due notice, and to ask that they should be restrained to their own limits.

I have the honor to be, very respectfully, your obedient servant,

H. R. RUNNELS.

HON. JOHN B. FLOYD,
Secretary of War.

No. 93.

EXECUTIVE DEPARTMENT, *Austin, Texas, November* 2, 1858.

CAPTAIN: You are hereby authorized and empowered to raise a company of rangers to serve for six months, unless sooner discharged. The said company will be organized in accordance with the laws of the United States, and will consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, two farriers and blacksmiths, and seventy-four privates. You will rendezvous at this place and proceed to organize by the election of officers at the earliest practicable period, and you will report the result of said election to the proper department immediately. After the completion of the organization and the procurement of the necessary supplies, the said company will move without delay to a suitable point to protect the exposed settlements, which have recently suffered from Indians.

H. R. RUNNELS.

Captain J. S. FORD,
Austin, Texas.

No. 94.

In the name and by the authority of the State of Texas.

To all whom these presents shall come, greeting:

Whereas, at an election held in the county of Travis on the 10th day of November, 1858, John S. Ford was elected to the office of captain of a company of Texas rangers, called into service for frontier protection for six months, unless sooner discharged:

Know ye that I, H. R. Runnels, governor of the State of Texas, reposing special trust and confidence in your courage, patriotism, and integrity, and in your fidelity to

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the constitution and laws of the State of Texas, and your attachment to the United States of America, do hereby commission you, the said John S. Ford, to the office of captain of the said company of rangers, to rank as such from the 10th day of November, 1858; and the said company you are to lead, train, muster, exercise, and command according to the existing laws and military discipline of the United States, and you are strictly to observe and execute all such orders and instructions as you shall, from time to time, receive from the governor (the commander-in-chief) for the time being, or any of your superior officers, according to the rules and discipline of war, and all inferior officers, or others belonging to said company, are hereby commanded to obey you as the captain thereof.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 10th day of November, A. D. 1858, and in the year of the independence of the United States of America the eighty-third and of Texas the twenty-third.

[SEAL.] H. R. RUNNELS.

By the governor:

T. S. ANDERSON,
Secretary of State.

No. 95.

In the name and authority of the State of Texas.

To all to whom these presents shall come, greeting:

Whereas, at an election held in the county of Travis on the 10th day of November, 1858, John R. Gibbons was elected to the office of first lieutenant of a company of Texas rangers, called into service for frontier protection for six months, unless sooner discharged: Therefore,

Know ye that I, H. R. Runnels, governor of the State of Texas, reposing special trust and confidence in your courage, patriotism, integrity, and in your fidelity to the constitution and laws of the State of Texas, and your attachment to the United States of America, do hereby commission you, the said John R. Gibbons, to the office of first lieutenant of the said company of rangers, to rank as such from the 10th day of November, 1858; and the said company you lead, train, muster, exercise, and command according to the existing laws and military discipline of the United States, and you are strictly to observe and execute all such orders and instructions as you shall, from time to time, receive from the governor (the commander-in-chief) for the time being, or any of your superior officers, according to the rules and discipline of war; and all inferior officers, or others belonging to said company, are hereby commanded to obey you as the first lieutenant thereof.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 10th day of November, A. D. 1858, and in the year of the independence of the United States of America the eighty-third and of Texas the twenty-third.

[SEAL.] H. R. RUNNELS.

By the governor:

T. S. ANDERSON,
Secretary of State.

NOTE.—Commission similar to the above was issued to Aaron Burleson, as second lieutenant of said company, November 10, 1858.

No. 96.

TREASURY DEPARTMENT,
Second Auditor's Office, January 8, 1859.

SIR: I herewith respectfully return the papers connected with the claim of the State of Texas, now before the Committee on Military Affairs and the Militia of the Senate of the United States, with a list of six companies of Texas volunteers, called out in the year 1854, and paid by the United States, under the act of Congress approved March 3, 1855.

By an examination of this list you will perceive that, up to this time, the United States has paid to these six companies $68,449.70, and the records of this office cannot show that any stoppages were made in favor of the State of Texas.

The records of the Third Auditor might show an additional allowance to these com-

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panies for subsistence, &c., which would increase the allowance made by the United States.

This office is not aware of any other companies of Texas volunteers in 1855 having been paid by the United States.

Very respectfully, your obedient servant,

T. J. D. FULLER,
Second Auditor.

S. COOPER,
Colonel and Adjutant General, U. S. A.

No. 97.

Six companies of Texas volunteers, under act March 3, 1855.

Names of captains of Texas volunteers.	Company.	Period of service paid for by the United States.	Paid by United States paymaster.	Paid on certificate by Second Auditor's Office.	Total amount paid by United States.
Captain Giles S. Boggess...	A	Dec. 23, 1854, to Mar. 22, 1855..	$11, 604 29	.....	$11, 604 29
Captain John G. Walker...	B	Dec. 1, 1854, to Mar. 31, 1855..	13, 559 49	$785 23	14, 344 72
Captain William R. Henry.	C	Dec. 14, 1854, to Mar. 31, 1855..	9, 837 36	568 79	10, 406 15
Captain William Fitzhugh	D	Dec. 24, 1854, to Mar. 23, 1855..	10, 520 34	114 95	10, 635 29
Captain Charles E. Travis.	E	Dec. 1, 1854, to April 1, 1855..	11, 075 49	550 97	11, 626 46
Captain P. H. Rodgers.....	F	Dec. 22, 1854, to Mar. 21, 1855..	9, 266 05	566 74	9, 832 79
Total.....	.....	.....	65, 863 02	2, 586 68	68, 449 70

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *January* 8, 1859.

No. 98.

WAR DEPARTMENT, *January* 11, 1859.

SIR: In reply to your communication of the 3d instant, inclosing Senate resolution No. 59, to provide for the payment of certain volunteers called out by the governor of Texas for the protection of the frontiers of that State, requesting me to furnish the committee with any information upon the subject now on file in the War Department, I herewith transmit all the information in the Department upon the subject of volunteers called out by the authorities of Texas. The terms of the resolution are so comprehensive that I have felt constrained to communicate everything connected with the service of volunteers in Texas within the period stated. I may, therefore, have transmitted something which may be considered irrelevant to the subject; but, under the circumstances, I could not undertake to discriminate.

I beg leave to suggest to the committee, most respectfully, the propriety of appropriating money at once to pay off all the just claims which the State of Texas may have against the United States on account of services rendered by volunteers.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. JEFFERSON DAVIS,
Chairman Committee on Military Affairs, Senate.

No. 99.

OFFICE COMMISSARY GENERAL SUBSISTENCE,
Washington, January 17, 1859.

COLONEL: In compliance with your request of the 14th instant, I have the honor to state, for the information of the Secretary of War, that subsistence was furnished by

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this Department to the following-named companies of Texas volunteers, and for the periods opposite, viz:

Captain G. S. Boggess, Company A, from December 25, 1854, to March 22, 1855.
Captain J. G. Walker, Company B, from December 9, 1854, to April 2, 1855.
Captain W. R. Henry, Company C, from November 29, 1854, to April 4, 1855.
Captain W. Fitzhugh, Company D, from December 25, 1854, to March 23, 1855.
Captain C. E. Travis, Company E, from December 9, 1854, to April 1, 1855.
Captain P. H. Rogers, Company F, from December 24, 1854, to March 21, 1855.

The records of this office do not show that any others of the Texas volunteer companies named in the statement of the comptroller of that State received subsistence from this Department.

The communication of Governor Runnels and the statement of the comptroller are herewith returned.

Very respectfully, your most obedient servant,

J. P. TAYLOR,
Assistant Commissary General Subsistence

Colonel S. COOPER,
Adjutant General.

No. 100.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, January 29, 1859.

SIR: In reply to your request of the 14th instant, asking to be informed whether any issues or disbursements were made by the Quartermaster's Department on account of the volunteers who were called into service for the protection of the frontiers of Texas during the years 1854, 1855, 1856, and 1857, I have respectfully to inform you that all the supplies furnished through this Department which were required by them were provided, and when the vouchers for the same were analyzed in this office and sent to the Treasury for settlement, a request was preferred that the value of the articles with which they had been furnished, and the amount of the disbursements that had been made on their accounts, might be charged to the appropriation for the support of Texas volunteers, approved on the 3d of March, 1855, which, from inquiry at the Treasury, I learn has been done.

Very respectfully, your obedient servant,

TH. S. JESUP,
Quartermaster General.

Colonel S. COOPER,
Adjutant General, U. S. A., Washington, D. C.

No. 101.

ADJUTANT GENERAL'S OFFICE,
Washington, D. C., February 1, 1859.

SIR: I have the honor to submit herewith copies of reports which have been received from the Quartermaster General, Commissary General, and Chief of Ordnance, in further response to the call made by the Military Committee of the Senate for information relating to the volunteers called out by the State of Texas for the protection of her frontier in the years 1854, 1855, 1856, 1857, and 1858, and in relation to the claim of that State, now pending before Congress, for re-imbursement of her expenses incurred on their account.

I am, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant General.

Hon. JOHN B. FLOYD,
Secretary of War.

No. 102.

WAR DEPARTMENT, *February 2, 1859.*

SIR: I have the honor to transmit herewith a report from the Adjutant General, covering copies of communications from the Quartermaster General, Commissary General, and Chief of Ordnance, in further response to your letter of the 3d ultimo, relative to

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the claim of the State of Texas for re-imbursement of expenses incurred for the support of volunteers called out by the governor.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. JEFFERSON DAVIS,
Chairman Committee on Military Affairs, Senate.

No. 103.

EXECUTIVE OFFICE, *Austin, March* 19, 1859.

SIR: The muster-rolls for your company were received here some weeks since, and a report also soon thereafter, which would have been acknowledged sooner if I had been able to arrive at a definite conclusion as to the time at which the services of the company could be dispensed with. Having received up to this time no definite information when the United States troops will commence active operations, and learning from your last report (received a few days since) that depredations have not only continued but increased in number, it is determined that the company shall be continued in service until the 23d day of April, at which time you will cause it to be disbanded, unless otherwise ordered.

Your course in calling into service an additional number of twenty or twenty-five men, to meet existing emergencies, is approved.

You will not, however, further augment the present number, unless the opportunity should be presented of attacking the Indians in body and striking a signal blow. You will acknowledge the receipt of this and communicate any information of which you may be possessed in regard to the state of affairs on your part of the frontier.

Very respectfully,

H. R. RUNNELS.

Captain JAMES BOURLAND.

No. 104.

April 12, 1859, Adjutant General. February 16, 1859, General D. E. Twiggs, Department of Texas, forwards report of Brevet Major Van Dorn in regard to the treatment of Indians when found off their reservations.

The commander of the Department of Texas may enforce hostilities against all Indians found off their reserves within the limits of this department.

The rule should be applied with some discrimination, however, with reference to tribes or bands generally peaceful, individuals of which may be found beyond their limits with no evident hostile intention.

The subject of combined operations against the Comanches will be deferred for such future action as the exigencies and interests of the service may render expedient.

War Department, April 5, 1859.

JOHN B. FLOYD,
Secretary of War.

No. 105.

STATE OF TEXAS.

Whereas late information has been received at my office to the effect that a large body of men are now assembled in arms near the Brazos agency for the avowed purpose of attacking and making war upon the Indians of said agency; and whereas this movement is the result of the many difficulties and continued quarrels and disturbances between the citizens on that frontier and the Indians at the agency, which have increased for months past; and whereas all the best interests of the State require an immediate peaceable and permanent settlement of said disturbances:

Now, therefore, I, H. R. Runnels, governor of said State, do hereby constitute and appoint the following-named citizens, to wit, George B. Erath, John Henry Brown, Richard Coke, J. M. Steiner, and J. M. Smith, a board of peace commissioners, with power and authority to repair to said Brazos agency and represent the State of Texas in the peaceable and lawful adjustment of said difficulties.

In testimony whereof I have hereunto signed my name and caused the great seal of

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the State to be affixed at the city of Austin this the 6th day of June, A. D. 1859, and in the year of the independence of Texas the twenty-fourth.

[SEAL.] H. R. RUNNELS.

By the governor:

T. S. ANDERSON,
Secretary of State.

Instructions to Messrs. Erath, Coke, Smith, Brown, and Steiner, peace commissioners, &c.

1st. The first and main object of your mission is to prevent all further violence between the citizens of Texas and the friendly Indians on the reservation and the United States troops there stationed. You will therefore repair at the earliest possible time to the lower reservation, and if you find any armed body of citizens assembled there, or in that vicinity, you will confer with them and with the agent at the reserve and officers in command of the United States troops there stationed.

2d. With acts of violence which may have beeen already committed, you have nothing to do, as they must be adjudicated upon by the courts of the county, but you will use all your exertions to gather facts for the purpose of ascertaining the true cause of the difficulties, and to remove by all legal means those causes in the future, and thereby secure a settlement between the parties which will insure permanent peace.

3d. You will use all peaceable and lawful means to induce the citizens to desist from further violence, and return to their homes, by giving them assurance of the determination of the Federal Government to remove the Indians beyond the limits of the State at an early day, as well as of the earnest desire and unceasing efforts of the State authorities to hasten that consummation, and at the same time warn them of the evil consequences of any unlawful acts which must result, not only to themselves, but to the citizens on the whole frontier.

4th. You will also use your efforts to induce the agents and superintendents to adopt conciliatory measures and prevent any hostilities on the part of the Indians, and to keep all Indians within the limits of the reservations, in order that non-intervention, except with persons coming on the reserve for peaceable purposes, may avert the possibility of suspicion on either part, and insure peace till the final removal of the tribes can be effected.

Finally, to effect the object of your mission, you are clothed with the power in the last resort to call into the military service of the State one hundred men, for the purpose of preserving the peace and preventing violations of the law as between the parties, and with all other lawful powers with which I can invest you; all of which you exercise with the utmost prudence, and report the facts and your action to this office.

H. R. RUNNELS.

P. S.—You are also authorized and empowered to associate with you, as a member or members of the board, any other person or persons, if you think it will further the ends of the mission.

No. 106.

[Extract.]

Pay-roll of two detachments of Texan mounted rangers * * * called into service by orders of the peace commissioners appointed by Governor H. R. Runnels for the protection of the frontier adjacent to the Indian reserves.

MEMORANDUM.

Captain.	Aggregate force.	Dates of service.	
		From—	To—
John Henry Brown.....	84	June 28, 1859	Sept. 12, 1859

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No. 107.

July 14, 1859, Adjutant General. April 19, 1859, Brevet Major General, D. E. Twiggs, San Antonio, incloses a letter from the superintendent of Indian Affairs, relative to difficulties between citizens of Texas and the Indians on the lower reservation; thinks the United States troops should not interfere in the matter.

A sufficient force will be employed to protect the Indians on the reservations. It should be large enough to overawe and prevent extreme measures.

War Department, *July* 14, 1859.

WM. R. DRINKARD,
Acting Secretary of War.

No. 108.

July 18, 1859, Adjutant General. July 7, 1859, submits letter from Brevet Brigadier General Twiggs, San Antonio, in regard to the removal of the Indians from the Texas reservations, and suggests that a compliance with the order will leave inadequate protection to the frontier.

The orders contemplate a temporary arrangement merely. Two companies of infantry will be supplied for the purpose.

War Department, *July* 16, 1859.

WM. R. DRINKARD,
Acting Secretary of War.

No. 109

EXECUTIVE OFFICE, *Austin, October* 13, 1859.

Captain W. G. TOBIN, *San Antonio:*

You are hereby authorized and instructed to muster into the temporary service of the State one hundred men, for the purpose of assisting the civil authorities in the county of Cameron in quelling the lawless and bloody disturbances at the city of Brownsville.

1st. You will immediately, upon the organization of the company, and at the earliest possible day, repair to the city of Brownsville, and there with the force under your command you will repel any invasion or quell any insurrection which may be attempted by armed bodies of lawless men in that county or vicinity within the limit of the State of Texas.

2d. You will promptly and at every hazard arrest the parties charged with the murder of peaceable citizens in Brownsville on the 28th of September last, resist all further attempts on the part of said offenders against the lives and property of the citizens, and protect said against such until the offenders are secured and the civil authorities are enabled to enforce the law.

3d. You will be prudent and refrain from disturbing Mexican or American citizens, or encroaching upon Mexican soil, the sole object of your mission being to arrest offenders and prevent further violent and lawless assaults upon the citizens in that vicinity and their property, and when this object is obtained and the people are secure in their lives, you will disband your men from the service of the State.

4th. You will, by reports, keep the department regularly and fully informed of your action and movements.

The men brought into service will be expected to arm and equip, furnish themselves, and look alone to the next legislature for such remuneration therefor, and for such pay as they deserve. You are authorized to increase your force after reaching Brownsville, if absolutely necessary, to carry out the above instructions.

H. R. RUNNELS.

No. 110.

EXECUTIVE OFFICE, *Austin, November* 17, 1859.

JOHN S. FORD:

You are hereby authorized to enlist and organize a company of mounted men, to consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, two farriers and blacksmiths, and seventy-four privates, or a number and an organization approximating the above. Your company will proceed to Goliad and elect their commissioned officers, unless otherwise ordered by John S.

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Ford, the mustering officer. The service required is to protect the western frontier against Cortinas and his band and to arrest them if possible. The term will expire at the discretion of the governor or legislature.

H. R. RUNNELS.

Duplicate of this directed to M. B. Highsmith.

EXECUTIVE OFFICE, *Austin, November* 17, 1859.

SIR: You are here hereby authorized to muster into the volunteer militia service of the State of Texas ——— mounted men, for the purpose of quelling the insurrection or resisting the armed invasion of one ——— Cortinas and his followers in the south-western border of said State. In executing this authority you will be guided by the following instructions, to wit:

1st. The companies of men already raised in Bexar, Victoria, Gonzales, and other counties will be adopted into this service and organized under these instructions.

* * * * * *

2d. You will organize the force as nearly as possible upon the basis adopted in the United States Army, having each company to consist of one captain, one first lieutenant and one second lieutenant, four sergeants, four corporals, two buglers, two farriers and blacksmiths, and seventy-four privates.

3d. Immediately upon the organization of each company the men will elect their commissioned officers, and as early as possible they will also elect their field officers, and commissions will be forwarded for all of said officers from this office to you at any designated point immediately upon the receipt of the information of said elections, and until said elections of field officers you will command the entire corps.

4th. When the force is organized the commanding officer will appoint a quartermaster, paymaster, &c.

5th. As the companies are organized, and until the organization of the whole corps is completed, you are authorized to contract for, upon the credit of the State, and thus furnish, supplies of subsistence, forage, ammunition, and all other needful articles, and also for the necessary means of transportation for the same.

6th. The point at which the troops raised under these instructions shall be the town of San Pelvecia, if practicable; but, if not, then the selection of said point is left to your discretion.

7th. You will, as far as may be possible, or as the emergency will permit, receive only such men as are able-bodied, well mounted, and well armed. You are expected to execute the duties imposed by these instructions by the earliest day, and when said duties are performed the commanding officer of the whole force will proceed in obedience to other instructions, which are herewith handed you.

8th. *Instruction.*—During the time required to complete said organization all the men enlisting in said service, commissioned or non-commissioned officers, privates, or persons in anywise attached to the service, are hereby required to pay due respect and obedience to your orders, and you will adopt the Articles of War and the Regulations of the United States Army in the governance of said force, except where manifestly inapplicable.

9th. You will rank as major, and receive the same and reserve the pay and emoluments of a like grade in the cavalry arm of the United States service until the services above designated have been performed and the field organization completed.

H. R. RUNNELS.

JOHN S. FORD.

No. 111.

EXECUTIVE DEPARTMENT, *January* 23, 1860.

SIR: You are hereby appointed paymaster, for the purpose of paying off the companies of Captain John S. Ford and Captain John H. Brown.

You will be careful to discharge the duties incident and belonging to the appointment, and will be entitled to such compensation as is by law allowed, and before entering on the duties you will give bond according to law and take an oath to discharge the duties of the office of paymaster.

I have the honor to be, your obedient servant,

[SEAL.] SAM HOUSTON.

P. S.—You will also proceed to pay off Captain J. Bourland's company, at Gainesville, Cooke county, Texas.

SAM HOUSTON.

JOHN M. SWISHER, Esq.

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No. 112.

WAR DEPARTMENT, *February* 28, 1860.

SIR: Your dispatch was received and promptly submitted to the President, when action was immediately had to carry out your wishes.

Such measures as the means and the power of this Department could command have been taken for the defense of the Texan frontier on the Mexican border.

An officer of great discretion and ability has been dispatched to take command of the Department of Texas, and has no doubt arrived at the scene of action before this date. Strong additional re-enforcements will be sent into Texas as soon as the season of the year will render a movement of troops possible.

JOHN B. FLOYD,
Secretary of War.

Hon. SAMUEL HOUSTON,
Governor of Texas.

No. 113.

TREASURY DEPARTMENT,
Second Auditor's Office, March 3, 1860.

SIR: I have the honor to acknowledge the receipt of a letter from the chairman of the Committee on Military Affairs and the Militia of the United States Senate, with its inclosures, with a request for a report thereon.

The object of the letter is for the purpose of acting understandingly on the claim of the State of Texas for money advanced by her for services rendered by volunteers called into service by the governor of said State for the protection of the frontier of said State.

The letter embraces three points, to wit:

First. The amount of claims of Texas now pending in the War Department;

Secondly. The nature of the claims; and,

Thirdly. Any information in relation to these claims which the War Department can furnish.

In reference to the first and second points, this office can give no information, inasmuch as no claims have ever been filed or received from the State of Texas.

As to the third point, I have nothing to report directly touching the question, but as one of the papers submitted is called a statement of the amounts paid and assumed by the State of Texas for the support of volunteers called into service for the protection of the frontier since the 28th day of February, 1855, I beg leave to offer a few remarks touching the matter incidentally, which may be the means of eliciting further inquiry.

This statement presents the sum of $55,000, having been appropriated by the State of Texas for the pay of Captains W. R. Henry, Giles S. Boggess, John G. Walker, W. Fitzhugh, P. H. Rodgers, and Charles E. Travis, companies of volunteers, being six companies called out by General P. F. Smith, United States Army.

The State of Texas alleges to have paid these companies $45,975.38, leaving a balance of $9,024.62 subject to be drawn for said purpose.

Section 1 of act of Congress, 3d March, 1855, chapter 169, provides the sum of $137,755.38 for pay, supplies, and traveling expenses of six companies of Texas volunteers, called into service by the governor of Texas and mustered into the service of the United States; and section 21 of the civil and diplomatic expenses of Government for the year ending June 30, 1856, and for other purposes, approved March 3, 1855, provides the sum of $25,000 to pay the necessary expenses of six companies of volunteers called into the service of the United States by Brigadier General Smith, in the State of Texas, to be paid under the direction of the Secretary of War.

The six companies alluded to in the aforesaid sections are the identical companies stated in the abstract of particulars submitted by the State of Texas, and by a letter addressed to Colonel S. Cooper, Adjutant General, United States Army, on the 8th January, 1859. It will be observed this office has paid these companies to the amount of $68,449.70, a copy of said letter, with a list of the companies, being inclosed.

All the papers submitted to me I herewith respectfully return.

I remain, truly yours,

T. J. D. FULLER,
Second Auditor.

Hon. JOHN B. FLOYD,
Secretary of War.

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No. 114.

TREASURY DEPARTMENT,
Third Auditor's Office, March 12, 1860.

SIR: I had the honor to receive from you on the 6th instant, for a report, the letter addressed to your Department on the 18th of January last by Hon. Jefferson Davis, chairman of the Committee on Military Affairs of the United States Senate, relative to claims of the State of Texas, on account of volunteers called out for the protection of said State against Indian hostilities.

Mr. Davis transmits Senate Resolutions No. 3, referred to his committee by the Senate, and desired that said committee may be informed what amount of claims of the State of Texas is now pending in your Department; what is the nature of said claims: if they were for the payment of volunteer troops; whether, in the opinion of your Department there was a necessity for calling them into service at the time; also, for any information in relation to the Texas claims which you may be able to furnish, so as to enable said committee to act understandingly upon them. The resolution limits the inquiry to claims created or assumed by said State subsequent to 28th February, 1855.

In reply I have the honor to state that no claim of the State of Texas, of any description, has been presented at or filed in this office since the 2d day of January, 1852. The letter of Mr. Davis and accompanying papers are herewith returned.

I am, with great respect, your obedient servant,

R. J. ATKINSON,
Auditor.

Hon. JOHN B. FLOYD,
Secretary of War.

No. 115.

WAR DEPARTMENT, *March* 14, 1860.

SIR: Your dispatch of the 8th instant has been received and submitted to the President. He directs me to say that he declines your tender of volunteers, inasmuch as a dispatch has this day been received by the Adjutant General of the Army from Brevet Colonel Harvey Brown, Second Artillery, dated New Orleans, March 13, 1860, in which he says, "I left Brownsville on the 8th instant. All was quiet on the frontier. The disturbances were believed to be over, and Cortinas to have given up the contest and to have retired into the interior of Mexico. Major Heintzelman has officially reported the war to be ended."

This information, being so much later and more direct from the scene of the late difficulties than you could have received at Austin at the date of your dispatch, leads the President to believe that you are mistaken or have been misinformed.

Besides, there are now in Texas, ready for active service, two thousand six hundred and fifty-one troops, which force will soon be increased by the addition of ten companies, comprising eight hundred and forty-two men, now under orders to proceed there from New Mexico. Of these last, five companies are to be stationed at Ringgold Barracks and five at Fort Clark. The quota of arms now due to the State of Texas, under the law, amounts to one hundred and sixty-nine muskets, which, in an emergency, may be doubled by anticipating the quota for the next year, and which will be promptly delivered upon your requisition. As the money value of the arms for the two quotas does not amount to $5,000, you will readily perceive that it is entirely impracticable to meet the requisition for arms, appendages, and accouterments made in your dispatch, the cost of which, at the lowest estimate, is within a fraction of $100,000.

The President further directs me to say that, with a sincere desire in every practicable way to meet the wishes of the governor and people of Texas, he conceives he has already performed his whole duty in the premises, under the circumstances.

Very respectfully,

W. R. DRINKARD,
Acting Secretary of War.

His Excellency SAM HOUSTON,
Governor of Texas, Austin, Texas.

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No. 116.

WAR DEPARTMENT, *March* 31, 1860.

SIR: I had the honor to receive on the 1st instant your letter of the 18th January last, inclosing a resolution to provide for the payment of the claims of Texas for the re-imbursements of money expended for the support of volunteers called out for the protection of the State, and asking information on the subject. In reply I have the honor to transmit herewith reports of the Second and Third Auditors, from which it will be perceived that there are no claims of the State of Texas now pending before this Department.

The statement of the comptroller of Texas, transmitted with the report of the Second Auditor, is the only evidence received at this Department that Texas has such claims against the United States.

The resolution is returned.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. JEFFERSON DAVIS,
Chairman Committee on Military Affairs, Senate.

No. 117.

WAR DEPARTMENT, *September* 11, 1860.

SIR: In answer to the inquiries contained in your letter of the 14th ultimo, I have the honor to state that, in order to procure the settlement of the account for expenses incurred by the State of Texas for frontier defenses, a full statement of that account, properly sustained by original vouchers, should be transmitted to this Department.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. E. S. N. CAVE,
Secretary of State of Texas, Austin.

No. 118.

November 15, 1860, Second Auditor, (F 115,) reports on letter of E. S. N. Cave, calling attention to the two appropriations to re-imburse the State of Texas for money paid on account of frontier defenses.

I have examined and considered the evidence submitted for my decision on the question presented in the proviso to the sixth section of the act of June 21, 1860, making "appropriations for the support of the Army for the year ending 30th June, 1861," and am satisfied that there was a necessity for calling out the Texas volunteers mentioned therein, and that they were called out by competent authority.

The Second Auditor will, therefore, have the claim of Texas audited under the provisions of the said sixth section as soon as the proper vouchers of the claim of the State are received by him.

War Department, November 15, 1860.

J. B. FLOYD,
Secretary of War.

No. 119.

WAR DEPARTMENT, *December* 17, 1860.

SIR: I have the honor to acknowledge the receipt of your communications by mail of the 28th ultimo, and by telegraph of the 6th instant, desiring that a corps of Texas rangers may be called into the service of the United States in view of late depredations and murders committed by Indians on the frontiers of Texas.

In reply, I have respectfully to inform you that, Congress having given no sanction for such a measure, this Department is without the necessary power to adopt it. In connection with this subject, I beg leave to say that, in consequence of previous representations from your excellency and the unprotected state of the frontier settlements

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in Texas, the number of regular troops in that military department has been recently much augmented, so that it now exceeds what it has been at any time before. It now consists of five companies of artillery, two of which are armed with light batteries, ten companies of cavalry, and twenty-five companies of infantry, in all, equal to four regiments.

I cannot permit myself to doubt that these troops will be found efficient and ready for any active service the Indian relations in the State may demand, and that, so soon as the proper commanders on the spot become aware of the need of their assistance in any quarter, it will be promptly and successfully applied.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

His Excellency SAM HOUSTON,
Governor of Texas, Austin.

No. 120.

THE STATE OF TEXAS, *Executive Department:*

I, the undersigned, governor of the State aforesaid, do hereby certify that a company of mounted rangers, mustered into the service of the State of Texas on the 28th day January, 1858, commanded by Captain John S. Ford, were duly recognized as having been called out by competent authority, and ordered to be paid by act of the legislature of the State of Texas approved January 27, 1858.

In testimony whereof I have caused the seal of the State to be affixed. Done at the city of Austin this 25th day of January, A. D. 1861, and in the year of the Independence of the United States the eighty-fifth and of Texas the twenty-fifth.

[SEAL.] SAM HOUSTON.

By the governor:
E. W. CAVE,
Secretary of State.

No. 121.

TREASURY DEPARTMENT,
Second Auditor's Office, February 13, 1861.

SIR: The State of Texas, through C. R. Johns, esq., comptroller of the State, presents the claim of said State under the sixth section of act of Congress, June 21, 1860, and his authority for so doing, I derive from a certified copy of an act of the legislature of the State, passed January 28, 1861, inclosed. Inasmuch as your predecessor, on the 15th November, 1860, decided the necessity for calling out troops by the State of Texas, and that they were called out by competent authority, I have now only to consider at present two points, to wit: first, that the amount now claimed was actually paid by the State of Texas; secondly, the compensation to be allowed is only for the period during which said troops were actively employed in military service. From the limited period allowed me to examine the claim presented, arising from Mr. Johns's desire of a speedy action, I am satisfied the papers are very loosely made out, and very deficient in many essential particulars, as is more fully elucidated in an exhibit marked A, herewith inclosed.* What is that but evidence, if paid by an agent, that said agent was duly appointed and recognized as such; that certain sums were advanced to him by the State for said purposes, and that he made payments, giving the time of said payments as evidence of his disposition of funds advanced to him and paid by the State. If payments were directly made by the treasurer, we should have some tangible evidence of the fact, showing the time when paid and the warrant on which payment was made. Every fact should be substantiated by affidavit, and the whole submitted under the broad seal of the State. Now, as to the period for which payment should be made, the law requires it should be for the time the troops were actively employed in military service. From the evidence produced by what is called the muster-rolls, does it appear that the time is actually given as to the troops' active employment? I think not. Take for instance Captain Black's company-roll, which says, "organized in the year 1856." The pay-roll embraces a period of one year, from January 1 to December 31, 1856, and yet on that pay-roll but sixty days have been paid for; what sixty out of the three hundred and sixty-

* To satisfy the United States that the State of Texas actually paid her troops the amount claimed, we should require the best proof that could be obtained.

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five days is not shown. This is one out of many cases, as you will perceive by the Exhibit A. In order to fully adjust the claim of the State of Texas under the act of Congress of 21st June, 1860, in conformity with the practice of this office in like cases, it would be necessary to have regular muster-rolls, showing the time when each were mustered in and out of service; how long each was actually employed during the period of service. To these rolls proper affidavits should be annexed, and to the pay-rolls the exact time paid for during the whole period should be noted; also by whom paid, and when paid, and every voucher should give the period of service and by whom paid, so as to show clearly that the State has actually paid the amount claimed. Unless this is done I cannot conceive how the Government can refund to the State of Texas any amount which she claims. All of which is respectfully submitted.

Your obedient servant,

T. J. D. FULLER,
Second Auditor.

Hon. J. HOLT,
Secretary of War.

Approved.

J. HOLT,
Secretary of War.

WAR DEPARTMENT, *February* 14, 1861.

List of exceptions to the claim of State of Texas under act 21st June, 1860, section 6.

Captain J. H. Callahan's Company.—The pay-roll does not state from whom the money was received. The three officers of the company produce receipts without rendering any accounts. The amount was received from Colonel John D. Pitts, as paymaster.

Captain N. Benton's Company.—No muster-in roll, but a muster-out one on 15th October, 1855. No evidence as to who paid the company by the pay-roll, nor at what time paid.

Captain W. R. Henry's Company.—No evidence as to who paid the company.

Captain W. Tom's Company.—The pay-roll does not state the specified month paid or by whom paid. The officers were paid on vouchers by one J. H. Raymond, called a paymaster. One private paid at treasury of State, a certified copy presented; the originals in all cases have been required by the Secretary of War.

Captain W. G. Tobin's Company.—A list is given of the company as to the commencement and ending of service, called a muster-roll, and is alleged as a copy of his company. No evidence on the pay-roll who paid the company. Captain Tobin is paid for one month's service by J. H. Raymond, called paymaster, but the year and precise month is not given.

Captain Levi English's Company.—A list is furnished for a muster-roll. Officers paid on vouchers by J. H. Raymond, called treasurer. Length of time given but the particular month and year not given. The pay-roll does not state from whom received. Privates paid at treasury are known only by copies. The originals not produced.

Captain Sansom's Company.—A muster-in but no muster-out roll. Mustered in on 19th April, 1856. Pay-roll paid by N. Robinson, called paymaster, from 16th April to 16th July, 1856. The pay commences three days before muster in.

Captain Davenport's Company.—Paid by N. Robinson, called paymaster. Period, March 13, 1856, to 1st June, 1857. But three months' time paid.

Captain Black's Company.—A roll is presented which says organized in year 1856—sixty days. Pay-roll is from 1st January to 31st December, 1856, one year; yet but sixty days is paid for by N. Robinson, called paymaster.

Lieutenant T. K. Carmack's Company.—A list of names is called a muster-in roll. Pay-roll paid by J. H. Raymond, called treasurer. No voucher received of the private paid at treasury.

Captain J. H. Connor's Company.—The muster-roll purports to be a mere copy; the original is not produced. Pay-roll does not state from whom received.

Lieutenant F. C. Frost's Company.—A muster-in but no muster-out roll. The pay-roll does not state by whom paid. Lieutenant Frost paid on voucher, but by whom is not mentioned.

Captain J. S. Hodges's Company.—A muster-in roll, 14th December, 1857. The pay-roll is for three months; but by whom paid is not stated. Captain Hodges is paid for four and one-half months, a one and one-half beyond the company. No evidence except his own statement of services as to the excess, nor is it stated from whom he received pay. Privates paid at the treasury are stated, but no vouchers.

Captain J. S. Ford's Company.—Pay-roll purports to be paid by Edward Burleson, called paymaster. Officers' vouchers fail to state from whom paid.

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No. 122.

TREASURY DEPARTMENT,
Third Auditor's Office, February 23, 1861.

Hon. J. HOLT, *Secretary of War*:

On the 16th instant I received from the Second Auditor a large mass of papers representing a claim of the State of Texas against the United States, under the acts of March 3, 1854, chapter 83, and of June 21, 1850, chapter 163, for re-imbursement of moneys expended on account of military services of Texas volunteers in 1854, 1855, 1856, 1857, 1858, and 1859. Accompanying was a report thereon by the Second Auditor, of the 13th, which you approved on the 14th instant, by which it is required "that evidence must be furnished that the payments made by the State were by officers of said State regularly authorized and commissioned to do so." It is also required, not only that the volunteers were called out by proper authority, but the dates of muster in and muster out of service must also be established, together with "the periods during which said troops were actively employed in the military service," as the law requires.

The allowances and payments through the Third Auditor's Office will essentially depend upon a compliance by the State with the above decision of the Secretary of War upon the report of the Second Auditor. The accounts and vouchers to be acted upon by the Second Auditor are separate from those belonging to the Third, and upon the latter the following remarks are submitted:

Lieutenant John H. Conner's company.

In service from December 2, 1859, to March 2, 1858:

Amount		$201 00
Account of W. L. Williams for horse lost, no date of loss	$105 00	
Account of J. Gayne, for mule-hire, receipt not filled up	24 00	
		129 00

No remarks upon the rest of the voucher.

Lieutenant John S. Hodges's company.

In service from December 14, 1857, to March 14, 1858:

Amount		151 50
Account of Thomas Johnson for mule-hire, the receipt not signed or dated	$24 00	
Account of John Campbell	24 00	
Account of T. M. Martin	24 00	
Account of Joseph B. Miller	24 00	
Account of John S. Hodges, for blacksmithing, receipt not filled up	4 00	
Accounts of sundry persons for blacksmithing; no evidence of payment to the parties entitled	51 50	

Lieutenant C. Frost's company.

In service from December 21, 1857, to March 21, 1858:

Amount		96 00
Accounts of James M. Hornsby, William Reed, William R. Cowen, and Charles W. Neal, for mule-hire, $24 each; the receipts are not dated	$96 00	

Lieutenant Thomas K. Carmack's company.

In service from December 14, 1857, to March 14, 1858:

Amount	96 00

No objection to payment for mule-hire.

Captain Nat. Benton's company.

In service from September 15 to October 15, 1855:

Amount	935 00
A roll of losses of horses and arms by H. B. King and ten others, with affidavits of loss. There are no receipts, and it is very doubtful whether the acts of 1859 and of 1861 provide for any payments other than the pay and allowances of the troops	935 00

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Captain James H. Callahan's company.

In service from July 20, to October 19, 1855:

Amount		$7,988 60
Sundry accounts, from 1–14, such as are objectionable, are so noted on the account	$5,750 60	
Roll of losses of horses and arms by W. H. Wood and twenty-eight others; same remarks as to Captain Nat. Benton's company, above	2,238 00	
	7,988 60	

Captain William R. Henry's company.

In service from September 15, to October 15, 1855:

Amount		1,290 00
A roll of losses of horses and arms by W. R. Henry and fourteen others, with affidavits of loss; same remarks as to Captain Nat. Benton's company, above	$1,290 00	

Captain William Tom's company.

In service from the 18th of October, to 16th November, 1855:

Amount		408 97
Account of Ezra Keyser, for amount paid for subsistence; the quantity of each article and the rates of charge should be given, and the receipts of the parties to whom Mr. Keyser paid the several amounts should be stated	$408 97	

Captain John S. Ford's company.

In service from January 10, to August 5, 1858:

Amount belonging to Third Auditor's office		46,884 57
And first a roll of losses of horses and arms, amounting to $568, to which the same remarks are applicable as to Captain Nat. Benton's company; upon the vouchers for the balance of the amount, such as are objectionable are so noted on the account	$46,884 57	
Miscellaneous expenses for frontier defenses, amount Third Auditor		755 85
The objections are noted on the several accounts		58,807 49

Six companies of Texas rangers, called into service by Governor E. M. Pease, from October 30, until mustered into the service of the United States, for the three months as follows:

Captain J. G. Walker, mustered into the service of United States, December 1, 1854.
Captain C. E. Travis, mustered into the service of United States, December 1, 1854.
Captain W. R. Henry, mustered into the service of United States, December 14, 1854.
Captain J. H. Rodgers, mustered into the service of United States, December 22, 1854.
Captain G. S. Boggess, mustered into the service of United States, December 23, 1854.
Captain William Fitzhugh, mustered into the service of United States, December 24, 1854.

And the following amounts belong to the Third Auditor's Office for settlement:

Captain J. G. Walker's company	$958 20	
Captain C. E. Travis's company	70 70	
Captain W. R. Henry's company	269 42	
Captain J. H. Rodgers's company	985 95	
Captain Giles S. Boggess's company	2,059 99	
Captain William Fitzhugh's company	381 87	
		4,726 13
Total amount retained by Third Auditor		63,533 62

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The circumstances of the raising, organizing, and muster into service of the above six companies are set forth in my report to the Secretary of War, upon the claim of S. M. Swenson, of Austin, Texas, dated June 5, 1855, which is submitted herewith. That claim was under a contract dated October 30, 1854, with E. M. Pease, governor of Texas, for supplying said companies with subsistence, forage, and medicines, camp equipage, stationery, ammunition, and transportation, from the date of said contract until the companies were mustered into the service of the United States, and was paid through this office in June and August, 1855, amounting to $20,990.69.

Of course any part of the present claim of the State for supplies that were furnished said companies to the extent they were entitled to, according to existing regulations, ought not to be allowed. With respect to the accounts and vouchers, they appear to have been very loosely made out, many of them wanting dates and receipts. I would therefore suggest that they all be returned to the authorities of the State, through her comptroller, Clement R. Johns, esq., to be perfected as follows: Every account for any kind of supply should have all the items distinctly set forth, with date, when furnished, and rates of charge, and every account for service of all descriptions should, in like manner, have set forth the dates when performed, with rates of charge, and be certified to as to correctness by the commanding officer if possible, and, finally, all accounts and vouchers should have the receipt of the parties to whom due, in favor of the State or its authorized agent.

It is proper to state that the objections heretofore noted to the papers as presented relate almost exclusively to matters of form in making them out, and the requirements are preliminary to an investigation with reference to the character of the items charged for. The questions of the propriety of the charges, and other questions going to the merits of the claims, are reserved for future consideration, when the claims shall be again presented with the additional evidence required be the law.

It is also proper to say that all property purchased by the State agents, not of a perishable nature, such as horses, mules, oxen, wagons, camp equipage, &c., must be accounted for by being shown to have been used up in the service, or afterward sold for the benefit of the State, or turned in to its proper agents.

I am, with great respect, your obedient servant,

R. J. ATKINSON,
Auditor.

Approved:

J. HOLT, *Secretary of War.*

WAR DEPARTMENT, *February 27*, 1861.

No. 123.

WASHINGTON, *February* 23, 1861.

SIR: From your report on the claim of Texas, recently filed, I learn that there are informalities in the papers and deficiencies in the evidence of such a character as to render it necessary that the papers should be returned to Texas for the purpose of being perfected and returned to your office. I would therefore ask permission to withdraw all the papers in the case.

Very respectfully, &c.,

CLEMENT R. JOHNS,
Comptroller of the State of Texas.

Papers returned, accompanied by letter 23d February, 1861.

C. H.

No. 124.

TREASURY DEPARTMENT,
Third Auditor's Office, February 23, 1861.

SIR: In compliance with your request, I herewith return all the papers pertaining to your office received with your two letters of the 16th instant, transmitting the claim of the State of Texas, under the second section of the act of Congress approved March 3, 1859, chapter 83, and the sixth section of the act approved June 21, 1860, chapter 163. All the accounts and papers received therewith, referable to this office, have been withdrawn and retained for such action as is required in the premises.

I am very respectfully, your obedient servant,

R. J. ATKINSON.
Auditor.

T. J. D. FULLER, Esq.,
Second Auditor.

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No. 125.

Extract from remarks on roll of John McDavenport's company.

THE STATE OF TEXAS, *County of Uvalde*:

I, J. M. McCormick, clerk of the county court in and for said county, do hereby certify under my official oath that the company of mounted minute-men commanded by John M. Davenport was mustered into service on the 13th day of March, A. D. 1856, and kept up an organization and took the field scouting and pursuing Indians whenever the safety of the settlement required it up to the 1st day of June, 1857, when said company was disbanded from service by the said Captain John M. Davenport, and this roll adopted as the muster-out roll. And I further certify that the members of said company were actually employed in the military service of said State for the term of three months, but at different times between the aforesaid dates, and that the said Captain John M. Davenport departed this life on or about the 28th day of October, A. D. 1859.

In testimony whereof I hereunto sign my name and affix the seal of the county court of said county at office in Uvalde the 11th day of May, A. D. 1861.

[SEAL.]

J. M. McCORMICK,
Clerk County Court Uvalde County.

No. 126.

[Extract.]

Muster-roll of Captain Reading W. Black's company of minute-men, organized in the year A. D. 1856.

* * * * * * *

I certify upon honor that the above-named men served under Captain Reading W. Black as officers and privates in the year 1856, as minute-men, and served the number of days affixed to their names. This the 2d day of August, A. D. 1858.

JAMES MOSELEY,
Lieutenant Minute Company.

THE STATE OF TEXAS, *County of Uvalde:*

I, J. M. McCormick, clerk of the county court in and for said county, do hereby certify that Reading W. Black, captain of said minute company, is at this time absent in Mexico. To certify which I hereunto sign my name and affix the impress of the seal of the county court of said county at office in Uvalde, this the 2d day of August, A. D. 1858.

[SEAL.]

J. M. McCORMICK,
Clerk County Court Uvalde County.

Approved August 31, 1858.

H. R. RUNNELS.

THE STATE OF TEXAS, *Uvalde County:*

Reading W. Black, after being duly sworn, states that he was commander of the company of mounted minute-men mustered into the service of the State of Texas on the 1st day of January, 1856, for the protection of the citizens of said county against the incursions of Indians, and that said company was held in readiness to pursue and chastise the Indians whenever the alarm was given or they notified of their hostile incursions into said county, and that the members of said company were at different times actively employed in the military service of said State, between the said 1st day of January, 1856, and the 31st day of December 1858, in all two months, and that said company was disbanded on the said 31st day of March, 1857, there being no regular mustering-out officer, and this roll was adopted for a mustering-out roll, and that this roll and the remarks thereon are correct and just, to the best of my knowledge and belief.

R. W. BLACK.

Sworn to and subscribed before me. To certify which I hereto affix the impress of the seal of my office at Uvalde this 13th day of May, 1861.

[SEAL.]

J. M. McCORMICK,
Clerk County Court Uvalde County.

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No. 127.

AN ACT to authorize the governor to receive from the Treasury of the United States the money due the State of Texas from the United States.

SECTION. 1. *Be it enacted by the legislature of the State of Texas*, That the governor be, and is hereby, authorized to receive from the Secretary of the Treasury or other proper authority of the Government of the United States all money now undrawn by this State which has been appropriated by the Congress of the United States to the State of Texas for military services paid by Texas, or for other claims of this State; and the money so received shall be placed by the governor in the treasury of this State, subject to appropriations made for the support of the State government: *Provided*, That all sums received in gold for these claims may be converted into lawful money at the market value thereof, by the governor, and the proceeds thereof placed in the treasury.

SEC. 2. That whatever the governor is authorized to do in person under this act he may also do by agent appointed: *Provided*, That if any other officer of this State is authorized and directed by him to perform these services, then such officer shall receive no compensation therefor beyond his necessary expenses in performance of the same; and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury to defray expenses under this act, to be paid under the approval of the governor.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved May 12, 1871.

No. 128.

STATE OF TEXAS, *County of Travis:*

Know all men by these presents that I, Edmund J. Davis, governor of the State of Texas, by virtue of the authority and power vested in me as governor as aforesaid, by act of the legislature of the State of Texas approved May 12, 1871, entitled "An act to authorize the governor to receive from the Treasury of the United States the money due the State of Texas from the United States," have constituted and appointed, and do by these presents constitute and appoint, James P. Newcomb, esq., secretary of state of the State of Texas, my agent and true and lawful attorney for the performance of the duties and exercise of the powers imposed upon and vested in me by the said act, and do hereby authorize and empower the said James P. Newcomb, for me and in my place and stead, to receive from the Secretary of the Treasury, or other proper authority of the Government of the United States, all money now undrawn by this State of Texas, which has been appropriated by the Congress of the United States to the State of Texas for military services paid by Texas, or for other claims of this State of Texas, and I do hereby ratify and confirm all and every acts or act of my said agent rightfully and lawfully done and performed by him in the premises for me and in my stead, and I do hereby recognize the same as fully and completely as if done by myself by virtue of said act.

In witness whereof I hereto subscribe my name and cause the seal of the State of Texas to be hereto affixed at the executive office, in the city of Austin, this 28th day of October, A. D. 1871.

[SEAL.]

EDMUND J. DAVIS,
Governor.

By the governor:
JAMES P. NEWCOMB,
Secretary of State.

No. 129.

Memorandum relative to the claim of the State of Texas on the General Government for advances made for frontier defense from 28th February, 1855, to 1st September, 1859, and amount paid for military services on the Rio Grande, 1859 and 1860.

The statement of advances made for frontier defense from 28th February, 1859, to 1st September, 1859, and accompanying papers, embraces the accounts of twenty-five companies of rangers, and amounts to $209,656.99. The transcript from the records of the office of the comptroller will show when the money was paid from the State treasury and determine the period of time for the computation of interest. When the papers were presented, in 1861, objections were raised to many accounts, besides the general objections that the Government had no proof of the necessity for calling out companies to

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protect the frontier. It is now attempted to remove these causes of objection to particular accounts, it is hoped successfully, and the general objections alluded to are met by copies of communications to and from the executive, which will fully demonstrate the necessity. The claim for military services on the Rio Grande amounts to $13,354.77 and interest.

NOTE.—The foregoing appears to have been made by Hon. J. P. Newcomb, secretary of the State of Texas.

No. 130.

WASHINGTON, D. C., *November* 11, 1871.

SIR: I am here to submit to your consideration the original papers pertaining to the claim of the State of Texas for re-imbursement for moneys paid out for frontier defense under acts of Congress March 3, 1859, and June 21, 1860, and to ask in behalf of the State as speedy an investigation and settlement of the matter as possible, consistent with the convenience of your Department.

In the spring of 1861 the State of Texas, through its agent, Mr. Clement R. Johns, presented this claim, but the rebellion had already been inaugurated in the South, and the hesitancy of the Department and obstacles thrown in the way of a settlement at that time were largely attributable to the threatening condition of the South, and actual hostilities began while Mr. Johns was in Washington, effectually and fortunately putting an end to all further negotiation. The matter has lain dormant up to the inauguration of the present State administration, and it has been with much difficulty that the original papers relating thereto have been gotten together, as the records of the State were thrown into confusion and destroyed to a great extent during the rebellion. The papers are now presented in the best possible shape, and constitute the only showing the State can make. The objections raised at the time Mr. Johns presented the case were mainly of a technical nature, to wit, that the vouchers and papers were not made out in all particulars in a business-like manner, lacking formality, &c.; in fact, that the State had done its business in a very loose way.

We have attempted to remove many of the causes of objection then raised, by supplying the evidence required. The State paid these frontier claims, and the only fact, it appears to us, necessary to be established, in order that the appropriations made by the General Government may be applied to re-imburse the State is that the State has liquidated these claims. I believe the evidence I have to present does this satisfactorily. The lapse of time and the war have placed it beyond our power to make good all technical defects, as many of the parties connected with the transactions are either dead or their residences unknown, while the whole matter has passed into history, and beyond the remedy of technicality.

Hoping that this business, which is of great importance to our State, will enlist your earnest attention and be dealt with in a liberal manner, I have the honor to be, very respectfully, your obedient servant,

JAMES P. NEWCOMB.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury, Washington, D. C.

No. 131.

WASHINGTON, D. C., *November* 16, 1871.

GENERAL: During our interview on Saturday last, you suggested that there was no appropriation to pay the claim of the State of Texas, or rather that by act of July 12, 1870, such appropriation had been covered into the Treasury. I hope this point will be thoroughly examined before passed or decided adversely to the claim of the State of Texas, it being, in fact, preliminary to any settlement of the matter at this time. If you will take the two acts, March 3, 1859, and July 21, 1860, together, I think you will conclude that the consideration involved must be construed under the head of a permanent appropriation until the matter is finally disposed of by the compliance of both parties, the State of Texas and the United States Government, with the provisions of the act.

The act of March 3, 1859, section 2, provided for the repayment to the State of Texas, out of any moneys not otherwise appropriated, moneys advanced by the State for the payment of six companies of mounted volunteers called into service by General P. F. Smith, with the proviso, that the allowance should be no greater than for United States troops, and for a period of three months. The act of June 21, 1860, section 6, extends the provision of the act of March 3, 1859, to include all moneys advanced by the State

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in payment of volunteers called out in defense of the frontier since 28th of February 1855, with proviso that the Secretary of War shall be satisfied that there was a necessity for calling out these troops, that they were called out by competent authority, and the amount claimed by the State was actually paid by the State, and the amount to be allowed limited to $123,544.51, &c. Had this limit not been stated, the State of Texas could have come forward and claimed the full amount of her outlays under the act.

I regard the acts cited as a contract, bargain, and agreement on the part of the United States Government and the State of Texas. The State of Texas has made good its part of the agreement; it remains for the United States to complete the matter. If the act of July 12, 1870 eliminates the $123,544.51 from the act of June 21, 1860, then we claim a general adjustment of all our claims within the dates mentioned and the entire amount expended by the State.

Respectfully,

JAMES P. NEWCOMB,
Secretary of State.

General W. W. BELKNAP,
Secretary of War, Washington, D. C.

No. 132.

WAR DEPARTMENT,
Washington, D. C., November 16, 1871.

SIR: Your letter of the 11th instant and certain claims of the State of Texas, which were therewith submitted by you to the honorable the Secretary of the Treasury, have been received at this Department, as has also your statement, dated to-day, in relation to the application of certain laws.

The aggregate of the claims, as submitted by your abstract, is $209,656.99. Of this amount it is alleged that only $50,001.81 were expended for the six companies referred to in the act of March 3, 1859, and the balance, $159,655.18, is claimed, it is supposed, under section 6, act of June 21, 1860.

Regarding the expenses of the six companies, I have to state that various United States laws, made within the last decade of years, in reference to the applicability of appropriations made by former acts, as well as in reference to the consideration of certain claims against the Government, convey to my mind an impression that no officer of the Government can at this time admit or pay any portion of these claims. It is understood that a discretionary power, in relation to them, was granted to the head of this Department in the act of March 3, 1859, by which he was "authorized," but not, as in many other cases, specially directed to act, and in this instance I prefer to adopt the above impression. No claim can now be considered under section 6 of the act of June 21, 1860, as the amount thereby appropriated, viz, $123,544.51, was carried to the "surplus fund," under section 10 of the act of August 31, 1852, by a warrant dated June 30, 1863.

In view of the foregoing facts, I have to inform you that the claims submitted by you cannot be favorably entertained at this Department until Congress acts further in regard to them.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

JAMES P. NEWCOMB, Esq.,
Secretary of the State of Texas.

No. 133.

WASHINGTON, D. C., *November* 18, 1871.

GENERAL: Your reply of November 16 is at hand. Having performed my duty as the agent of his excellency Governor E. J. Davis, governor of Texas, in presenting the claim of the State of Texas for repayment of moneys advanced by the State to frontier troops called into service by authority of the United States Government, and as by your ruling we are entirely excluded from a settlement, unless by further act of Congress, I respectfully ask that the papers and vouchers pertaining to this claim be retained in the custody of your Department, to await further action.

In conclusion, allow me to thank you for the kindness and consideration you have shown me, and I only regret that the business could not have been settled without

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further delay, as the money would have been of great assistance to our struggling State administration at this time.

Very respectfully, your obedient servant,

JAMES P. NEWCOMB,
Secretary of State of Texas.

General WM. W. BELKNAP,
Secretary of War, Washington, D. C.

No. 134.

FORTY-SECOND CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,
In the House of Representatives, January 18, 1872.

On motion of Mr. WILLIAM T. CLARKE,

Resolved, That the Secretary of War be, and is hereby, directed to inform this House why the money appropriated under the acts of Congress, March 3, 1859, and June 23, 1860, has not been paid to the State of Texas as provided for in said acts.

Attest:

EDWARD McPHERSON, *Clerk.*
By ISAAC STROHM, *Assistant Clerk.*

No. 135.

WAR DEPARTMENT, *January* 19, 1872.

The Secretary of War has the honor to send to the House of Representatives, in compliance with a resolution of the 18th of January, 1872, inquiring "why the money appropriated under the acts of Congress, March 3, 1859, and June 23, 1860, has not been paid to the State of Texas as provided for in said acts," the following-mentioned papers, which give the requisite information.

A copy of a letter of November 11, 1871, from the secretary of the State of Texas to the Secretary of the Treasury, showing why the money had not been paid prior to that date. A copy of a letter of November 16, 1871, from the Secretary of War to the secretary of the State of Texas, showing why the money has not been paid since the last-mentioned date.

WM. W. BELKNAP,
Secretary of War

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No 136.

Statement of advances made by the State of Texas, for frontier defenses, from February 2, 1855, to September 18, 1858.

For what purpose.	Amount paid.	Amount appropriated.	Balance undrawn
Amount appropriated December 17, 1855, to pay the three following-named companies, viz:		$16,091 12	
Commanded by Captain James H. Callahan	$10,080 18		
Commanded by Captain Nat. Benton	2,509 83		
Commanded by Captain W. R. Henry	2,981 00		$5[illegible]
Amount appropriated, same date, for their subsistence		5,755 22	
Amount paid thereon to sundry parties	5,750 60		4
Amount appropriated, same date, for compensation of paymaster to above-named companies.		100 00	
Amount paid John D. Pitts, paymaster	100 00		
Amount appropriated January 14, 1856, to pay the six following-named companies called out by General P. F. Smith:		55,000 00	
Commanded by Captain W. R. Henry	7,791 52		
Commanded by Captain Giles S. Boggess	8,489 05		
Commanded by Captain John G. Walker	7,980 55		
Commanded by Captain William Fitzhugh	8,213 76		
Commanded by Captain P. H. Rodgers	5,936 16		
Commanded by Captain Charles E. Travis	7,564 28		9,024 68
Amount appropriated, same date, for payment of balances due on contracts for support of above companies.		6,000 00	
Amount paid thereon from February 2, 1856, to September 6, 1858.	4,026 43		1,973 57
Amount appropriated August 30, 1856, to pay the three following-named companies, viz:		4,489 29	
Commanded by Captain William Tom	1,494 72		
Commanded by Captain W. G. Tobin	917 46		
Commanded by Captain Levi English	1,764 86		312 25
Amount appropriated, same date, to pay for supplies furnished Captain William Tom's company and to compensate paymaster of above-named companies.		408 97	
Amount paid thereon	408 97		
Amount appropriated November 17, 1857, to pay the four following-named companies, viz:		20,000 00	
Commanded by Captain T. K. Carmack	2,924 80		
Commanded by Captain John H. Conner	4,273 02		
Commanded by Captain J. C. Frost	2,863 25		
Commanded by Captain J. S. Hodges	3,028 25		6,910 68
Amount appropriated January 13, 1858, to pay the three following-named minute companies, viz:		6,000 00	
Commanded by Captain John W. Sansom			
Commanded by Captain John D. Davenport			
Commanded by Captain Reading Black			
Amount paid Neill Robinson, paymaster of same	4,000 00		2,000
Amount appropriated January 27, 1858, to pay Captain John S. Ford's companies.		70,000 00	
Amount paid Edward Burleson, paymaster of same, and to S. M. Swenson for supplies furnished.	55,800 00		14,200 00
Total	148,898 75	184,444 51	35,545 76

I, the undersigned, comptroller of public accounts of the State of Texas, do hereby certify that the foregoing statement is a correct and true exhibit of the amounts paid and assumed by the State of Texas for the pay, subsistence, and forage of volunteer troops, called into service for the protection of the frontier since the 2d February 1855.

Given under my hand and seal of office this 18th day of September, 1858.

[SEAL.] JAMES B. SHAW,
Comptroller.

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No. 137.

Statement of advances made by the State of Texas for frontier defense, from February 28, 1855, to September 1, 1859.

Abstract.	Company.	Amount.	Total.
Abstract A	James H. Callahan's	$16,595 46	
	Nat. Benton's	2,566 83	
	W. R. Henry's	4,212 60	
			$22,374 89
Abstract B	W. R. Henry's	8,043 81	
	G. S. Boggess's	10,369 29	
	J. G. Walker's	8,048 30	
	W. Fitzhugh's	8,487 63	
	P. H. Rodgers's	6,872 11	
	C. E. Travis's	8,288 18	
			50,109 32
Abstract C	W. Tom's	1,903 69	
	W. G. Tobin's	917 46	
	L. English's	1,764 86	
			4,586 01
Abstract D	P. H. Carmack's	2,717 30	
	J. H. Conner's	4,046 02	
	T. C. Frost's	2,863 25	
	J. S. Hodges's	3,100 25	
			12,726 82
Abstract E	J. W. Sansom's	1,155 00	
	J. M. Davenport's	1,699 62	
	R. W. Black's	791 98	
			3,646 60
Abstract F	J. Williams's	1,085 60	
	J. S. Ford's	56,992 83	
	W. N. P. Marlin's	752 59	
			58,831 02
Abstract G	J. Bourland's	13,073 74	
	J. H. Brown's	8,807 91	
	J. S. Ford's	35,500 68	
			57,382 33
	Grand total		209,656 99

Statement of advances made by the State of Texas for military services on the Rio Grande, 1859 and 1860.

No.	Description.		Total.
1	Hampton, G. J., captain and quartermaster		$399 98
2	McCord, J. E., for Captain Burleson's company	$2,000.00	6,943 46
3	Paid at the State treasury	4,943.46	
4	H. W. Berry's company		6,011 33
	Total		13,354 77

No. 138.

AN ACT for the relief of Giles S. Boggess.

SECTION 1. *Be it enacted by the legislature of the State of Texas*, That the comptroller of the State be, and he is hereby, authorized and required to settle with Paymaster Giles S. Boggess, upon his presenting to said comptroller a copy of the muster-roll of J. G. Walker's company, made out by him, the said Boggess, upon the best data he can get, and certified to by him, before some person authorized by law to administer oaths, to be just and correct, according to the best of his knowledge and belief, and that the original muster-roll was either stolen from, taken from, or lost by him; said copy of muster-roll, when so made out and certified to, shall be received in lieu of the original roll, the amount or amounts returned by said Boggess as paid shall be passed to his credit upon the books of the comptroller's office.

SEC. 2. That should said Boggess report as paid any person who was a member of said J. G. Walker's company, who has not been paid, it shall be incumbent upon the person wishing to contest the matter to make affidavit, before some person authorized to administer oaths, that he has not been paid; and upon the filing of said affidavit in

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the comptroller's office, it shall be the duty of the comptroller to notify said Boggess, and allow him sixty days' time to make the proof of payment,; and should the said Boggess fail to satisfy the comptroller that said person has been paid, it shall be the duty of the comptroller to draw his warrant upon the treasurer in favor of such individual, which warrant shall be paid by the treasurer out of the appropriation for the payment of said company; and for each amount so paid, the said Boggess shall be held responsible to the State upon bond as paymaster.

SEC. 3. That any member or members of said company who, according to the return made by said Boggess, stand as unpaid upon the certified copy of the muster-roll of said company, shall be entitled to his or their pay by application at the office of the comptroller and treasurer, upon filing an affidavit that he or they have not been paid, and that the amount due them for services rendered in said J. G. Walker's company is still due and owing.

SEC. 4. That this act take effect from its passage.

Approved August 25, 1856.

DEPARTMENT OF STATE,
Austin, Texas, March 5, 1860.

I, the undersigned, secretary of state of the State of Texas, do hereby certify that the transcript on the reverse hereof is a correct copy of the original act on file in the department of state.

Given under my hand and the seal of the department of state the day and year first above written.

[SEAL.]

E. W. CAVE,
Secretary of State.

No. 139.

THE STATE OF TEXAS, *County of Bexar:*

On this 11th day of November, A. D. 1856, personally came before me, James E. Gardner, a justice of the peace in and for said county, Levi English, who, after being duly sworn, says that he is the indentical person who was a captain of a company of mounted men who served against the Texas Indians; that he commenced his service about the —— day of August, 1855, and served until about the —— day of November, 1856; that he furnished his own horse, forage, subsistence, and a servant; and that he has not received the pay due him for said service, or any part thereof.

I hereby empower H. W. Sublett, esq., of Austin, Texas, to collect any and all pay which may be due me by virtue of said service.

[SEAL.]

his
LEVI + ENGLISH.
mark.

Personally came before me, James E. Gardner, a justice of the peace in and for said county, Y. P. Alsbury and William H. Long, who, upon their oaths, declare that they are personally acquainted with Levi English, and that they saw him sign the affidavit on the reverse hereof by making his mark, declaring his inability to write, and that they know him to be the identical person who was a captain of a mounted company against the Texas Indians.

Y. P. ALSBURY.
WM. H. LONG.

I, James E. Gardner, justice of the peace for Bexar County, do hereby certify that the foregoing, and on the reverse hereof, was signed by making his mark, declaring his inability to write, and acknowledged in my presence; and that I know the affiants to be creditable persons, and that the claimant is the person he represents himself to be.

Given under my hand and official signature, at office, in the city of San Antonio, on the day and year above written; and that I have no interest in this claim.

JAMES E. GARDNER,
Justice of Peace, Bexar County.

THE STATE OF TEXAS, *County of Bexar:*

I, Samuel S. Smith, clerk of the county court of Bexar County, do hereby certify that James E. Gardner, esq., before whom the foregoing affidavit and declaration on the reverse hereof was made, was an acting justice of the peace in and for the county of

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Bexar at the time the same was made, and that his signature, herewith attached, is genuine.

In testimony whereof I hereunto sign my name and affix the seal of said county, at office, in the city of San Antonio, this 11th day of November, A. D. 1856.

[SEAL.]

SAM. S. SMITH,
Clerk of County Court, Bexar County,
By EDWARD MILES,
Deputy.

No. 140.

IN THE AMERICAN AND MEXICAN JOINT COMMISSION.

PEDRO TAUNS (NO. 679) AND OTHERS *vs.* THE UNITED STATES.

To the honorable American and Mexican Joint Commission, in the city of Washington, District of Columbia:

The memorial of Pedro Tauns respectfully showeth:

That in the month of October, A. D. 1855, an armed force of more than two hundred Americans, under the command of Captains Callahan and Henry, having crossed the Rio Grande from Texas in the United States, entered and took possession of the town of Piedras Negras, in the state of Coahuila, Mexico, and by force of arms disarmed all the inhabitants of the town, and with many insults, threats, and cruelties drove them from their houses and caused them to flee from the town to the woods. After having pillaged them of all their most valuable and easily transported contents, the said forces set all the houses on fire, reducing the town to ruins and ashes, and then returned with the body to the opposite side of the river by the public ferry. All this was done by the said forces with the aid and protection of the regular officers and soldiers of the United States of America, at that time occupying Fort Duncan, on the left bank of the Rio Grande, in front of Piedras Negras, which regular officers and soldiers, upon a dominant point, planted all their artillery bearing directly upon the town of Piedras Negras, with intent to bombard and destroy the town, in case the inhabitants thereof should resist the forces of Captains Callahan and Henry; and they aided the said forces of Callahan and Henry to cross the Rio Grande to Piedras Negras, one of the said regular officers drowning himself in the act. The said forces of Callahan and Henry were received with their booty in the United States, on the left bank of the Rio Grande, under protection of the said regular officers and soldiers, and permitted to march with their booty to the interior of the State of Texas, where they received the approbation of, and pay from, the said State of Texas for the time they were in Piedras Negras committing the wrongful acts aforesaid; and the Government of the United States of America, by section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1861," approved June 21, 1860, provided to re-imburse the State of Texas for the said payment; but the people of the State of Texas having thereafter gone into rebellion against the Government of the United States, the said re-imbursement was, therefore, withheld.

When the said forces of Callahan and Henry took possession of Piedras Negras, your memorialist was living in that town with his family, six in number, and had there, of his own sole and exclusive property, two houses, constructed of lumber, and all the other things set forth in an account hereto annexed, marked Exhibit A, to which reference is here had, making it a part of this memoria, which properly was then and there worth the sum of $5,550, gold.

Your memorialist further states that the said forces of Callahan and Henry, in the said pillage and burning which they did in Piedras Negras, on the 3d, 4th and 5th days of October, A. D. 1855, pillaged and burned his said houses, together with all the other things set forth in an account aforesaid, whereby they very greatly injured him in his property and business, causing him to lose the use, benefit, profit, and enjoyment of his said property ever since he so lost the same, thereby damaging him, in addition to the value of his said property, in the full sum of $8,000, gold.

The said forces of Callahan and Henry drove your memorialist from his home, and compelled him to flee to the woods with all his family, where he wandered for three days, exposed to death under the tomahawk of the barbarous Indians, who frequented the said woods at that time, suffering from hunger and thirst in a degree almost insupportable, whereby they caused him great injury in his person and that of his family, damaging him in the full sum of $52,000, gold.

By all their illegal acts aforesaid, the said authorities of the United States of America did greatly injure your memorialist in his person and that of his family, and in his property and business, whereby they damaged him, in the aggregate, in a great sum, to wit, in the full sum of $65,550, gold; and therefore he prefers this his claim

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against the Government of the United States of America, for the said sum of $65,550, gold, amount of damages done to him by the authorities thereof.

Your memorialist is, and from his birth has been, a citizen of the Mexican Republic, born in the town of Nacogdoches, State of Texas, (then Mexico,) July 13, A. D. 1811; his domicile at the present is in the town of Fuente, state of Coahuila, and when this claim had its origin was in Piedras Negras.

The whole amount of this claim does now, and did when it had its origin, belong solely and absolutely to your memorialist; and he has never received any sum of money or other equivalent or indemnification for the whole or any part of the losses and injuries upon which this claim is founded.

This claim was not presented before the 1st of February, A. D. 1869, to the Department of State of the United States or that of the Mexican Republic, or to the minister of the United States in Mexico, or that of the Mexican Republic in Washington.

Your memorialist, in addition to the testimony filed and to be filed in this case, respectfully refers to the memorials and papers in all other cases before the commission, giving full details of the same transactions upon which this claim is founded, and especially refers to the memorials of Ma. Juana Hernandez, Francisco Herrera, Santos Loy, Pedro Villareal, and Dimas Sandobal, in their claims against the Government of the United States, and the testimony of the following witnesses, filed therein, to wit: Luis Sandobal, Manuel Rodriguez, Francisco Salenas, Francisco Gonzales, Francisco Guedea, Antonio Montes, Ramon Rodriguez, Lorenzo Guevara, Timoteo Gonzales, Anestacio Jimenes, José Maria Rivera, Jesus Frias, Santos Loy, José Ma. Carbajal, and Margarito Teposte.

Wherefore, your memorialist respectfully prays the honorable commission to award in his favor, against the Government of the United States of America, the sum of $65,550, gold, amount of injuries and damages done to him by the authorities thereof, and that there be awarded to him such other indemnification as by law and equity he may be entitled to in the premises.

PEDRO TAUNS,
By his attorney in fact, JAMES B. SIMPSON.

E. W. RICE, *Solicitor.*

CITY OF WASHINGTON, *District of Columbia, ss:*

I, James B. Simpson, solemnly swear that I am the attorney in fact of the claimant, Pedro Tauns, who is absent from the District of Columbia, and that the matters and things set forth in the foregoing memorial are true, to the best of my knowledge, information, and belief.

JAMES B. SIMPSON.

Sworn to and subscribed before me, the undersigned notary public in and for said city, this 24th day of March, A. D. 1870.

EDMUND F. BROWN,
Notary Public.

EXHIBIT A.

THE UNITED STATES OF AMERICA,

TO PEDRO TAUNS, DR.

For property destroyed and taken by the authorities thereof in Piedras Negras, state of Coahuila, Mexico:

October, 1855.—One house and one kitchen	$3,000 00
Groceries	1,000 00
Household furniture and decorations, and kitchen furniture and cooking-utensils	750 00
Wearing apparel	500 00
Fifteen head of cattle	300 00
For injury caused by the loss of the use of his said property	8,000 00
For injury to his person and that of his family	52,000 00
Total amount	65,550 00

STATEMENT AND ARGUMENT FOR THE UNITED STATES.

THE CLAIM AND THE CLAIMANT.

The claimant, otherwise known as Peter Towns, is shown by the testimony of one of the witnesses on the part of the United States to be a mulatto, born in the State of

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Texas, and who now professes to be a citizen of the United States, and a voter in the State of Texas. It appears that he resided for some time in Mexico, and it is not improbable that he was living in Piedras Negras when that village was burned by Captains Callahan and Henry, in October, 1855.

Mr. Amos O. Strickland, whose deposition has been taken on behalf of the United States, states as follows: "I know Pedro Tauns, who is one of the claimants for the destruction of Piedras Negras. He now resides in Kinney County. He is a native of Texas. He is a mulatto, and was the servant of the late General Sam Houston. He resided some time in Mexico, but claims now to be a United States citizen, and told me at the last election how he was going to vote in Kinney County. Tauns is well known to the United States officers at Fort Clark; to Major Bacon, (who was on General Sheridan's staff,) of the Ninth United States Cavalry, colored. Tauns has been working lately as a mason in the employ of the Government at Fort Clark, and for the last year or so has been burning lime, or has been employed in small jobs about the post; he is also a fiddler, and plays at fandangoes and for the officers when they make a party there."

This colored fiddler alleges that at the time of the destruction of Piedras Negras he was the owner of a house and kitchen in that village worth $3,000, and personal property to the amount of $2,500; that the same were destroyed and taken by the men under Callahan and Henry, and that the amount of damages sustained by him in consequence thereof was $65,550. This amount he demands from the United States, as a citizen of the Mexican Republic. We have already shown that he is not and never was a citizen of Mexico.

The testimony of Mr. Strickland, to which reference has been made, shows that if this claimant lost anything on that occasion the amount has been monstrously exaggerated, and it also directly proves that he deliberately intended to defraud the United States. Mr. Strickland says: "He told me also that he was one of the claimants for the destruction of Piedras Negras, and had made claim therefor against the Government of the United States. I asked him the amount he claimed, and he answered, '*O, I am ashamed to tell you; it is so big.*' He has never been worth $100 at any time since I have known him, and that is eight years."

These observations are sufficient to dispose of this particular claim. But inasmuch as it is our present object to direct the attention of the commissioners to the general subject of the Piedras Negras claims, particularly to the proofs taken by the United States, which show that these claims, as preferred, are the result of a criminal conspiracy to defraud the United States, and are supported by false and forged papers transmitted by these conspirators through the Mexican government to this commission, we will proceed to present a general summary of the contents of the depositions and other proofs introduced by the agent of the United States.

The testimony shows that many of the *expedientes* filed in the office of the commission are, in whole or in part, forged documents; that persons are represented as having signed as claimants documents contained in these *expedientes*, who, it is proved, never affixed their signatures to such papers; that in numerous instances individuals are represented by written signatures as having appeared as witnesses in support of the claims of others, who, it is shown, never subscribed the documents to which their signatures purport to be attached, and that this fraudulent work was done by persons engaged in the business of getting up the claims for presentation to this commission. We will speak more in detail hereafter of this wholesale fraud.

It is apparent also, upon the most hasty inspection of the *expedientes* on file in the office of the Mexican secretary, that many of them have been manufactured by the same hand or hands. It needs no expert in handwriting to prove that numerous signatures of different persons have been made by the same hand, and the sworn testimony on the part of the United States clearly shows that this is undoubtedly the fact.

Under these circumstances it will be for the commissioners to determine whether any of the *expedientes* filed on the part of the claimants are justly entitled to be received as evidence to support the claims, or whether the whole body of them should not be thrown out of the cases altogether, and the claims dismissed for want of proof.

THE TRANSACTION AT PIEDRAS NEGRAS.

These claims, some one hundred and nine-three in number, arise out of the burning of the village of Piedras Negras by a number of mounted volunteer troops, organized under the authority and in the exclusive service of the State of Texas, and commanded by Captains Callahan and Henry, on the 5th of October, 1855. These troops, as it appears, had been mustered into the service of the State* by the governor of Texas, in the month of July, 1855, to serve for three months, unless sooner discharged, for the

* The War Department possesses nothing to show that Henry's company was actually recognized by the governor of Texas in 1855. It was mustered out, not by order of the governor, but by order of Callahan.—T. H. B.

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purpose of protecting the frontier settlements against hostile incursions of the Indian. On the night of the 1st of October a portion of them, together with a number of citizens of Texas from Hays, Guadulupe, Bexar, and other counties, crossed the Rio Grande several miles from Fort Duncan, without the knowledge, approbation, or assistance of the military authorities of the United States, ostensibly for the purpose of following and chastising a band of Lipan Indians from the west side of the river, who had previously committed, as was alleged, depredations on the settlements in Texas. The Texans were resisted, as it would seem, by Indians and Mexicans, and in the progress of the affair they occupied the Mexican village of Piedras Negras.

On the 5th they set fire to the town, and a number of houses, or rather huts, belonging to the inhabitants were burned. It is probable that other property was destroyed, and perhaps some articles were carried away by the Texans. The actual extent of the loss sustained by the inhabitants will be stated more particularly hereafter.

The circumstances under which this expedition into the territory of Mexico took place may be ascertained, so far as they are now discoverable, from the public documents filed in evidence, consisting of papers in the possession of the State of Texas, and the military and diplomatic correspondence in the possession of the War and State Departments of this Government.

It is to be regretted that the affair was not subjected, at the time it occurred, when the recollection of witnesses was fresh, to a thorough and searching investigation. An effort was made by the Mexican authorities to prove that the commander of the United States troops at Fort Duncan connived at this invasion of Mexican territory, and, after the Texan volunteers were driven back by the Mexican forces, rendered them active assistance. On the other hand, the then Secretary of State, Mr. Marcy, in correspondence with the Mexican minister, took the ground that the Texans had been in fact invited across the river by competent Mexican authority in order to aid the Mexicans in chastising the Lipan Indians, who had committed robberies and murders in Texas; that they had been treacherously led into an ambuscade of an overwhelming hostile force of Mexicans and Indians; and that therefore they were justified in adopting any measure which would tend to secure their safe retreat to the other side.

A candid consideration, however, of the contemporary documents will show beyond all doubt of controversy that the imputation against the commanding officer at Fort Duncan was wholly without foundation, as that officer neither connived at the original invasion nor rendered the party afterward any assistance in carrying on the hostilities in which they had become involved. The Texan volunteers crossed the river during the night, about two miles below Fort Duncan, without the knowledge or consent of Captain Burbank. When that officer found that something in the nature of a battle was transpiring on the other side, he so disposed of some of his artillery as to prevent any violation of American territory, as he had the right and it was his duty to do. And when he was informed by Callahan, after the place had been fired, that his men were deserting him and he was not able to resist the Mexicans, he replied that they had deliberately determined to make a stand against the Mexican forces, and that after what had transpired the Texans must abide by their determination.

The correspondence also shows that as soon as the military commander of the department, General Persifer F. Smith, was advised of what had occurred, he took all proper measures, under the direction of the Government at Washington, to prevent any further violations of the neutrality laws of the United Rtates.

There can be no doubt that the authorities of the United States were free from blame in this transaction. It was an affair of the State of Texas and Texan volunteers and citizens; it was no affair of the National Government or any of its proper authorities.

The theory advanced by the Secretary of State, in correspondence with Mr. Almonte, that Callahan crossed the river upon the invitation and with the assistance of the Mexican alcalde or other authority, and upon assurances of the aid of the Mexican officers in pursuing the Indians, appears to have been founded upon the report of Callahan to the governor of Texas, in which that statement would seem to have been made. This report, however, cannot now be found, and was probably destroyed or mislaid during the confusion of the recent rebellion in Texas. (See letter of the secretary of state of Texas to Mr. Ashton, May 10, 1870.)

A darker shade seems to have been given to the transaction by the suggestion that this inroad into Mexican territory was undertaken for the recapture of fugitive slaves. Whether this was the object of these men, or the real object of the expedition was in good faith to inflict chastisement upon Indian robbers and murderers who had taken shelter on Mexican soil, it may be, perhaps, difficult at this day to ascertain with positive certainty. But whatever was the real object or motive of these men, and whether they crossed into Mexico with or without the consent of the authorities, their act of setting fire to the town of Piedras Negras, we are bound to say, was without justification or valid excuse.

The question, however, of the responsibility of the Government of the United States for the destruction of this village is another matter. That these men were not in the military service of the United States is admitted. They were purely and simply a part

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of the militia of the State of Texas. We have already said that the United States military authorities had no knowledge or notice of this intended expedition into Mexico; that they were not apprised of the fact that the Texans had crossed the river until after their forces were on the other side; that the military commander at Fort Duncan rendered them no assistance in the beginning, and afforded them no aid in the progress or at the end of the affair; and that he denounced, in proper terms, their act in occupying and destroying the Mexican village.

It is, indeed, abundantly clear that the Government of the United States, neither by *sufferance* nor *reception*, (*patientia aut receptu*,) to use the words of Grotius, knowingly aided or abetted the invasion or the subsequent acts of the Texas militia. And under these circumstances no responsibility can be held to attach to the United States for the injuries sustained by the inhabitants of Piedras Negras, unless it should be determined that Captains Callahan and Henry, officers of the State of Texas in command of this militia force, organized under the authority of the State, were within the legal designation of "authorities of the United States," in the sense and meaning of the treaty of July 4, 1868.

We have thus presented a brief outline of the facts of the transaction at Piedras Negras in 1855, and stated the only ground upon which any liability therefor can be imputed to the Government of the United States. We now proceed to show, independently of any legal ground of objection to the recovery of these claims arising out of the character of the parties inflicting the injury, the claimants have, by their own acts of fraudulent exaggeration of their losses and damages, and presenting through their agents, or otherwise, false and forged papers in support of their reclamations, placed their claims in such a position as to be without credible or trustworthy proofs before this commission.

FRAUDULENT EXAGGERATION OF LOSSES AND DAMAGES.

Piedras Negras, according to the evidence introduced by the United States, was at the time in question one of the most wretched and insignificant of all the villages and small towns of the Mexican Republic. It did not contain more than five hundred souls, men, women, and children, or more than one hundred families all told. General Burbank states that it was settled after the establishment of the post of Fort Duncan, in the spring of 1849, and that the inhabitants lived mostly, if not entirely, on the small trade carried on with the troops stationed there, and such employment as was given to them from time to time by the Government, as guides, muleteers, and laborers. Their houses were chiefly *jacales*, or Mexican huts, and many of them consisted of holes or cellars dug in the bank of the river, covered with thatch, without door, window, or sides. These houses were built of pickets stuck into the ground, with grass roofs, without windows or floors. The people were wretchedly poor; and, as the testimony shows, the whole village, including lots, houses, and all the personal property of the inhabitants, could have been bought, in 1855, for less than $50,000.

Let us see now what the *expedientes* on file pretend to have been the amount of property, real and personal, destroyed and stolen by the Texan volunteers in October, 1855, and of the damages actually sustained by the claimants.

The property destroyed or taken is valued in these cases at $2,872,070.31, and the consequential damages alleged to have been sustained are estimated at $8,525,918.12. The reclamations thus amount in all to $11,397,988.43.

We subjoin a carefully prepared analysis of the *expedientes* on file in the office of the Mexican secretary, showing the estimated values of the several species of property alleged to have been destroyed or taken on this occasion. It presents such a case of wicked and reckless falsehood as has never before occurred in the history of international reclamations. The abstract of the *expedientes* is as follows:

Houses, (287)	$234,218 00
Corn (12,415 *fanegas*)	59,774 00
Corn, (3 fields)	4,140 00
Horses, (298)	25,110 00
Household furniture	121,359 00
Wearing apparel	90,702 00
Jewelry	45,375 00
Money	29,364 31
Cattle, (3,440)	26,911 00
Pigs, (804)	37,300 00
Implements	24,384 00
Fencing	10,611 00
Merchandise	222,702 00
Fire-arms	3,858 00
Carts	9,422 00

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Libraries	$9,352 00
Claims without details	1,917,488 00
	2,872,070 31
Loss of use and damages	8,525,918 12
Total	11,397,988 43

It will be unnecessary to occupy much time or space with a detailed examination of the proofs taken by the United States for the purpose of exposing this fraud before the commission. Those proofs consist of numerous depositions of persons of respectability and credit, who were perfectly familiar with the character of this place, the condition of the inhabitants, the value of the property they possessed, and the extent of the depredations committed. The commissioners will read these proofs, and will determine that the papers filed in evidence by the claimants are absolutely and wholly discredited by the evidence introduced on the part of the United States. They will discover that the losses and damages have been exaggerated with a deliberate purpose to defraud the Government against which the reclamations are presented. We shall contend that these facts, together with the actual forgery of documents which it is apparent has here been committed, are sufficient to warrant the determination that the entire mass of claims must be rejected.

We will now briefly review the substance of the testimony for the United States.

Mr. Edward T. Moore says that about forty small *jacale* houses, valued at about $40 each, were burned; that not more than $5,000 worth of property was taken from the inhabitants; and that $10,000 would amply compensate them for all damages and losses sustained.

Mr. John Newton says that the *jacales* were not worth more than $50 each.

Mr. Adolfo Duclos says that he knows from personal observation that the articles stolen by the filibusters could not have amounted in actual value to $1,000.

Mr. A. O. Strickland says that the town did not contain $50,000 worth of property, all told.

Mr. Brackenridge testifies that he made an estimate of the injury that had been caused, a few days after the act, and that he thought it could not amount to $50,000.

Mr. Lorenzo Castro states that there was only one two-story house in the town; that the inhabitants had some extra articles of clothing and jewelry; and that $50,000 or $60,000 would have paid liberally for all the damage done.

Mr. F. Groos testifies to the same effect.

Ramon Perales, a claimant, says that thirty or forty huts were burned, which might have been worth $50 each, and that the majory of the inhabitants did not possess more than $200, $300, or $400.

Florencio Canales testifies that the majority were poor people, who had $200, $300, or $400.

Gregorio Garza, who resided there at the time, states that the majority of the residents were very poor, and had not more than $300 or $400 in value of furniture or goods; he swears that the sums claimed are greatly exaggerated.

Manuel Ban states that the majority of the inhabitants were day-laborers; "some had a little horse; some cows, with calves, or a little pig, or a cart to carry water." Very few persons had cows; a cow, with calf, was then worth $10, and a fat pig was worth about $25; but he does not recollect to have seen many fat pigs.

Adelaide Van, a claimant, says few of the inhabitants had much more than $300, and she states the value of pigs and cows.

Pedro Salazar, a claimant and resident, says that the number of stone-houses did not exceed six; that the other dwellings were huts, cabins, and cellars; that he was living in an underground hut; that all the houses were not burned.

The testimony of Rafael Salinas, Jesus Loy, José Luciano de la Garza, Jesus Lamora, Tomas Martines, José Maria Carvasar, and Rafael Tijerina, as to the notorious poverty of the inhabitants, and the amount of property lost by them, is to the same general effect.

The American witnesses examined in Washington by the agent of the United States, viz, General Sidney Burbank, General James B. Ricketts, and Mr. Edmund W. Wallace, corroborate in their depositions, in substance and effect, all that is said by the witnesses examined in Texas and Mexico.

It thus appears that, according to the highest estimate of the value of the town, if the commissioners were to distribute among the claimants the full value of all the property, real and personal, that it contained, the aggregate amount of the awards would not exceed $50,000.

We pass now to the last but the most unpleasant feature of this class of claims. We allude to the evidence which shows that the claims have not only been fraudulently exaggerated in amounts, but that they are also supported by false documents, in

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some cases with the actual knowledge of the claimants, and in others, perhaps, without their direct connivance or consent.

FALSIFICATION OF THE EXPEDIENTES.

We will now, as briefly as possible, refer to the testimony which establishes the fact alleged in regard to these documents:

Ramon Perales, who is a claimant, swears that Luis Muzquiz, also a claimant and one of the persons concerned in the concoction of this fraud, came to him and advised him to present an exaggerated demand, and stated that the residents of Piedras Negras had agreed to make up their claims and to divide the proceeds with him (Muzquiz) and others who commenced the business.

Gregorio Garza testifies that the *expedientes* were made up by Luis Muzquiz and others; that Muzquiz came to his house and asked his wife the amount of his loss, and that she replied that she was not competent to state how much it was. He proceeds as follows: "Luis Muzquiz then put down the sum which he wished, and he did the same with the other residents. I never signed any *expediente* or declaration of my loss. I was never at the house of the judge, nor at the court, for the purpose of giving testimony on this subject. I believe that he did the same with the others, and that he has put down and claimed $8,000 or $10,000 in favor of persons who did not lose $100."

In another deposition the same witness states: "Luis Muzquiz never spoke to me, nor any other one about this matter concerning me, nor with reference to other claimants. I know Jesus Salinas and Maximo Garcia and Arcadia Ramirez, but I never presented them as witnesses in the matter of my claim, inasmuch as I myself did not know that they were claiming an amount so exaggerated for me. Jesus Salinas lives at Eagle Pass, Maximo Garcia lives since four years on a ranch in Texas, eleven leagues from Piedras Negras, and Arcadia Ramirez lives in the little town; and in order to present them as witnesses in my claim, I would have been under the necessity of going to seek them in those places; this I never did, because no one ever spoke to me about doing it. I know Antonio Montes, and Jesus Frias and Nicanor Valdes, but at no time did I make a deposition with respect to their *expedientes* in their claims. I also know Pedro Gonzales, but neither did I make a deposition about him or about the property which he lost. It surprises me to see my name as a witness in the matters touching the claims of these parties against the United States, inasmuch as I never made and never was called to give testimony respecting them. I do not know Maria N. de la Garza, and it is not possible that I could have made a deposition of who she was or what she had. I am completely ignorant of the persons who appear as witnesses in the *expediente* which was made up for me, and it is my opinion that in these transactions many rascalities have been committed. I never knew the amount which they claimed for me, inasmuch as I never had the intention of claiming one cent more than what I lost. It is, in my opinion, very wrong to use the names of persons as witnesses without their knowledge, and I believe what was done in my case was done in many others."

Adelaide Van, another claimant, testifies that she made no deposition nor subscribed any document in respect to a claim before the judge at Piedras Negas, nor before any other authority. She implicates a person named William Stone in the fraudulent transaction, and gives a full account of an interview with that person. She also states, like Gregorio Garza, that many of the claimants were children at the time of the occurrence.

Pedro Salazar testifies that he communicated with Luis Muzquiz, and that he and his secretary, Abram Jimenez, handed him a paper to sign, telling him it was the *expediente* of his claim, but that he did not read it, and did not know what it contained.

Jesus Loy testifies that Luis Muzquiz and Mr. Coopwood were engaged in preparing claims for the residents of Piedras Negras, but that they never called on him to make depositions, and that if he appears as a witness his name has been fraudulently used. The analysis of the *expedientes* herewith presented shows that Jesus Loy appears as a witness in *five* cases.

Ramon Perales, in another deposition, swears that he was never asked to subscribe any document or *expediente*, and if Luis Muzquiz or other agent has placed his name in *expedientes*, such agent has committed a fraud by using his signature. It appears, however, that Perales is a claimant in one case, and a witness in *four* others.

There is other testimony to the same effect; and it is all corroborated by the appearance of the *expedientes*, which shows the most superficial observer that they have been manufactured by the wholesale by the getters up of these absurd claims.

Muzquiz, the principal Mexican conspirator, claims on his own account $51,797, while the testimony is that he was extremely poor and was at one time in jail. The other parties concerned with him in the fraud unfortunately appear to be Americans.

The Government of the United States having determined to expose this fraud, a special agent was sent to Mexico, and the valuable results of his inquiries are contained in the depositions to which we have referred, and the principal parts of which we have indicated. The proofs show beyond all doubt—

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Firstly. That the claims have been grossly exaggerated, with intent to defraud the United States.

Secondly. That numerous persons appear as claimants who were either not in Piedras Negras at the time of its destruction, or were children, and owned nothing at that time.

Thirdly. That the names of claimants have been placed without their consent to representations of claims and of papers.

Fourthly. That numerous persons are represented as having signeddocuments as witnesses who swear that they never signed such documents or authorized their names to be signed thereto.

Fifthly. That these documents have been gotten up by and between Luis Muzquiz, William Stone, and —— Coopwood, doubtless with the assistance of the local Mexican judge.

THE PROPER DISPOSITION OF THE CLAIMS.

Upon this state of facts it will become necessary for the commissioners to determine whether or not the entire body of these Piedras Negras claims should not be rejected. on the ground of fraud practiced or attempted to be practiced against the United States in the *expedientes* on file in the office of the commission.

On behalf of the United States the undersigned contends that such disposition should be given to these claims. The proofs on file, he contends, are not entitled to be received in evidence and read in support of the claims. They are all tainted with fraud, and are vitiated thereby absolutely and entirely. The cases, therefore, stand as if they were entirely without attempted proof. They should be rejected and dismissed for want of evidence to support them.

There is an analogy in the legislation of the United States which might also be profitably considered in connection with these claims, in view of the fraud to which we have referred. We allude to that provision of the statute of March 3, 1863. concerning the Court of Claims, which declares: "That any person or persons who shall corruptly practice or attempt to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim against the United States, *ipso facto*, shall forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same." (12 Stats., p. 767.) This statute proceeds on the ground of forfeiture; but the special ground on which the undersigned now asks the rejection of these claims is, that the documents filed in evidence on behalf of the petitioners before this commission are shown to be utterly untrustworthy, and therefore inadmissible as proof in support of the reclamations.

If, however, contrary to the view now presented, the commissioners determine to make awards in any cases, it will be necessary to determine who among all these claimants there is just reason to believe were Mexican citizens residing in the place and were owners of property, or subjected to injury, at the time of the occurrence, and to estimate the damages according to the effect of the evidence introduced by the United States. Under this rule of decision the number of cases in which awards can be made will be extremely limited, and the amount of the awards will be exceedingly small. In no possible contingency, however, will the commissioners be entitled upon these proofs to award in the aggregate a greater amount than $50,000. If they should believe that every house in the town was burned, and every dollar's worth of property destroyed and carried away, and that every individual here appearing was an actual sufferer, and is entitled to appear as a claimant against the United States. the above amount is the largest which could possibly be distributed as awards among these claimants.

In the confident belief, however, that sufficient has been shown to justify the commissioners in rejecting the entire body of claims, the foregoing observations are submitted for their consideration.

The undersigned prints herewith the depositions taken on behalf of the United States. He also submits, in connection with this argument, a manuscript volume, containing a full list of the claimants and of the witnesses, whose names are attached to the *expedientes*, and also a complete abstract of the claims, giving schedules and amounts of all the property for the alleged loss of which indemnity is claimed, together with observations upon each claim which will aid the commissioners in appreciating the full extent of the fraud here attempted.

This book has been carefully prepared by a skillful hand, with a view to facilitate the investigation of these cases.

J. HUBLEY ASHTON,
Counsel of the United States.

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DEPOSITIONS TAKEN ON THE PART OF THE UNITED STATES.

Deposition of James B. Ricketts, Major General, United States Army, (retired.)

The deponent, being duly sworn, says: In the summer and fall of 1855, I was a captain of artillery in the Army of the United States, and was stationed at Fort Duncan, in Texas, situated on the east side of the Rio Grande, nearly opposite to the town or village of Piedras Negras, in Mexico. While stationed there I frequently visited Piedras Negras, and had a fair opportunity of acquiring some knowledge of the country in the neighborhood, and of the resources, business, and loss sustained from its invasion by a party of armed Texans in October, 1855. The town or village of Piedras Negras contained at that time not more that eight hundred persons, and was situated about one mile from Fort Duncan. They were very poor, being principally a fluctuating population of Mexican herders and carriers, with their families, who resided in huts built of adobe, covered with a coarse grass, with earthen floors. There were about one hundred of these huts, and probably ten others with gravel roofs. There was but one two-story brick house, the property of a man named Rich, which was not molested, and was the principal place of business. There was considerable transit trade in raw cotton and bonded goods from the United States; corn, hides, lead, wool, and brood mares to the United States, the freight mainly carried on ox-carts. The country was unproductive and without cultivation. The Texans remained about twenty-four hours, barricading the streets with ox-carts, and setting fire to these grass-covered huts, which were easily consumed, with a number of ox-carts, besides destroying all they could belonging to the defenseless people, after which they recrossed to the Texas side of the river in a panic, using the flat-boats and skiffs, and in such haste that their own horses were abandoned until they could subsequently return for them. I am of the opinion that no heavy articles were carried away, and it is impossible for me to state the value of any property stolen or destroyed beyond the fact that the impoverished condition of the inhabitants, their insufficient clothing and scanty subsistence, prove the impossibility of their being pillaged to any large amount.

JAMES B. RICKETTS,
Major General, United States Army, (retired.)

Deposition of Sidney Burbank, Brevet Brigadier General, United States Army, (retired.)

The deponent, being duly sworn, deposes and says: I was a captain in the Army of the United States in October, 1855, and was stationed at Fort Duncan, Texas, and in command at that post. I had a fair opportunity of knowing something of the population and business of the people, and could very well judge of their wealth or poverty. Fort Duncan was established in the spring of 1849, at which time there were no inhabitants on either side of the river, up or down, for a great number of miles. The town of Piedras Negras, situated directly opposite Fort Duncan, was settled and grew up after the establishment of that post. The inhabitants were very poor, and lived mostly, if not entirely, from the small trade carried on with the troops stationed at Fort Duncan and the dependents thereon, and such employment as was given them from time to time by the Government as guides, muleteers, and laborers. Occasionally there were Mexican troops stationed at Piedras Negras, but it was not a regular garrisoned place, and the inhabitants could receive but little support from this source. In October, 1855, I should judge the number of inhabitants to be about five hundred men, women, and children. The houses, huts, or dwellings of the inhabitants were of the cheapest construction, built of adobes or upright poles and thatched with grass; in some cases the dwellings were caves or excavations in the banks of the river, and these dwellings were furnished in a manner equally plain and cheap. In my opinion these houses or huts could not cost, on an average, more than $50, and the furnishing could not exceed that amount. There were, to the best of my knowledge and belief, from eighty to one hundred of these huts or houses burned by the Texans on the 6th of October, 1855, and the entire and total damage caused by the conflagration would not exceed, in my estimation, $10,000.

S. BURBANK,
Brevet Brigadier General, United States Army.

Deposition of Edmund W. Wallace.

The deponent, being duly sworn, says: That he is an American citizen by birth, is forty years of age, and is residing at Georgetown, District of Columbia. That in 1850 he sojourned at Fort Duncan, where he was in business in connection with his brother,

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who was sutler to the post; that he remained so in business until 1853, when he was appointed deputy collector of customs at Eagle Pass, Texas, directly opposite Piedras Negras, by Mr. Guthrie, the Secretary of the United States Treasury. He remained such collector, discharging the duties of his office, until March, 1861. His business office was in Fort Duncan, contiguous to Eagle Pass. His business and residence afforded him fair opportunities of becoming very well acquainted with the town of Piedras Negras, he having almost daily intercourse with it, and becoming acquainted with very many of the inhabitants, their occupations, and pursuits. He was in that town when it was burned by the troops under the command of Captains Callahan and Henry, who were said to be in the service of the State of Texas. He estimates the number of the inhabitants of Piedras Negras at the time of the burning, including men, women, and children, at about eight hundred souls, and they were generally very poor indeed. Some of them, perhaps a majority of the heads of families, were owners of small lots of cattle, which were allowed to graze during the day-time in the neighborhood, and which were brought up to the village at night for protection against the Indians. Some of them were owners of carts and ox-teams, and were engaged in freighting between San Antonio and Eagle Pass. Some of them were little shop-keepers, having a meager supply of miserable Malaga wine, mescal, cigarritos, and other little articles. Some few, also, had Mexican blankets for sale. There were four stores, and he can remember no more, which had a better supply of goods—one managed by Mr. Rich, one by Mr. Duclos, one by Mr. Oswald, and one by Mr. Stone. He thinks that the supply of goods which these four stores may have had on hand at the time of the burning could not have exceeded in value $100,000 in the aggregate, and he does not know that the value was as great. The goods in the little shops and stores could not, in his opinion, have exceeded in value $75,000. The retail trade of the town of Piedras Negras was mostly carried on across the river at Eagle Pass, the inhabitants buying there their coffee, sugar, calicoes, and other dress-goods, and no considerable stock of goods was kept at Piedras Negras. The houses in Piedras Negras were mostly small, built of adobe, and thatched with a species of country grass or straw. The military barracks on the *plaza* were covered with a kind of concrete roof. There was one brick-house in town, belonging to Mr. Rich. There were no frame or wooden houses in the town. The houses were generally without floors, and were worth generally on an average about $400 apiece. The deponent built an adobe house at Fort Duncan for his use, better than the average of houses in Piedras Negras, at a cost of $500; the labor employed was Mexican. The furniture of the houses was meager in quantity and very primitive in character. He thinks, on an average, the furniture to each house was not worth over $100, including the whole, beds, bedding, &c. Their little gardens about in the village produced very little; some little cultivation was carried on out of town in the neighborhood. The Mexicans are generally fond of jewelry, but the inhabitants of Piedras Negras were so poor that the quantity in that town was inconsiderable. It was very uncommon to find a watch among the inhabitants. The food of the inhabitants consisted of tortillas, jerked beef, and peppers. The corn they ground by hand-mills. Thirty bushels of corn on hand at the time of the burning is a reasonable estimate for each family, and calculating about six persons in each family, there were about one hundred and thirty-three families. The price of corn was from $1 to $1.25 per bushel. There was a considerable number of ox-carts in the town, of very simple and primitive character, the wheel being generally composed of one piece. There were a few modern carts, with hubs, spokes, and iron tires. The deponent thinks it likely that a number, perhaps thirty or forty, of these were burned, as he saw them piled together in the form of a barricade. They were worth on an average about $40 apiece. The Callahan troops did not carry off any carts, oxen, cows, or other animals, and he does not think any considerable number of these could have been lost by the occupation and burning of the town by Callahan. It is possible some few may have stampeded and strayed off, but deponent thinks not many.

The deponent says that he was messing with the officers at Fort Duncan at the time the burning took place, and he knows that no officer or soldier of that post participated therein or sanctioned it in any manner. Himself and Dr. Wood were in Piedras Negras, from curiosity, in the afternoon of the day that the town was fired. As soon as they discovered that the town was being fired, they immediately crossed the river to the American side. The town of Piedras Negras was not compactly built, but scattered over an area of about a quarter of a mile square. The brick house referred to was not burned.

The deponent resided at Fort Duncan twelve years, and knew the people of Piedras Negras very well.

The deponent says he has no interest in any claim before the commission.

EDMUND W. WALLACE.

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[Translation.]

STATE OF TEXAS, *Maverick County, ss:*

Deposition of Manuel Ban, of Eagle Pass, Texas, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before that said commission.

The said MANUEL BAN, being first duly sworn, deposes and says: I was born in the State of Arkansas, in the United States of the North; I am an American citizen and resident of Eagle Pass; thirty-nine years of age, and a carpenter by occupation. I am well acquainted with Piedras Negras since the year 1851. Since the 24th of June, 1855, I have lived in Eagle Pass, and during the time before and after the destruction of Piedras Negras by Texas volunteers, under the orders of Callahan and Henry, my business, as agent of one of the business houses of Eagle Pass, obliged me to go every day, and even five times a day, to Piedras Negras. I was acquainted with almost every house and cabin in Piedras Negras, and also the greater part of the inhabitants. At the time of the burning by the aforesaid Texans, it did not have more than three or four hundred houses. Juan José Patiño had a house about ten *varas* (yards) long, and four and a half wide; José Ma. Flores had a house, in dimensions a little more or less than that of Patiño; Doña Isabel Miñan also had a house, and besides these three houses, it had houses which were the quarters of troops, and in one of these Captain Saiz, the husband of Doña Onofre Villareal, lived, and when the burning took place Captain Saiz was not in the town, and Doña Onofre Villareal alone in the house. Besides the houses mentioned, the dwellings consisted of huts, cabins, and straw-thatched huts, the number of which did not exceed one hundred and twenty-five; it only had three streets. The inhabitants in general were excessively poor, with the exception of eight or ten persons who had means of living. One of these was Jesus Maria de la Garza; he had a little shop, and, estimating in all conscience the goods, their value did not exceed $3,000; and it was the only store which had supplies. The capital of the other rich people did not exceed from $800 to $1,000. Almost all these had a little bar-room, but they did not have supplies of the goods in which they traded, and they always crossed to Eagle Pass to buy their liquors by a gallon at a time. The majority of the other inhabitants were day-laborers, and who before were soldiers, and I did not know that they had any property besides their labor; some had a little horse, some cows with calves, or a little pig, or a cart to carry water. The dwellings were of a very inferior kind, and the construction of the greater part of them could not have exceeded $100 in cost; they were of mesquite posts, and covered with hay or straw. The material for the construction of cabins was then very close to the town. The furniture of the house was little, and of very slight cost; the richest, including their furniture and the ornaments of their houses, were not worth above $400. The houses of Doña Isabel Miñan, of Doña Onofre Villareal, of Pedro Lechupia, husband of Doña Dolores Salinas, were the houses best furnished and adorned, but the value of the furniture and adornments could not have exceeded $400. In each hut lived one family, but as every day new emigrants arrived, it might have been that in one or other hut families lived in a crowded state. The number of horses was not large, and the best was not worth above $80, and the majority of them were worth from $15 to $20 each, because they belonged to poor men who did not have the means to keep a good horse. I believe that all the inhabitants of Piedras Negras together did not lose more than twenty-five horses. I saw the Texans when they crossed from Texas to Mexico, and I saw them all well mounted, and I also saw them when they returned from Piedras Negras, and I believe that the Texans left as many of their own horses in Piedras Negras as they carried away from the inhabitants of Piedras Negras. Very few persons had cows, and a cow with calf was then worth $10. I do not recollect to have seen many fat pigs; a fat pig was worth at that time as much as $25, and I have never seen a fat pig which was worth more at any time before or after, nor have I known of a case where more than $25 was asked for a pig. The persons who had jewelry were few, and all who had wore it, and they had time to hide it before the Texans commenced to rob and burn the houses. From the moment that the Texans crossed to the Mexican bank, (side,) the families in Piedras Negras began to g out, leaving everything of value, and this flight (emigration) lasted until the volunteers returned after four or five days, when they commenced to rob and burn the houses, and I believe that the inhabitants removed everything which they had of value out of the city, inasmuch as they had time sufficient to do it. The day before the burning of Piedras Negras I went into the majority of the houses, and for this (reason) I know very well what was their situation; I myself assisted families to cross to the American side. The inhabitants in general were very poor; the persons who had more than $300 were very few and very famous. I was acquainted with Mariana Juana Hernandez; she had a few little bottles and some sweetmeats, and a little soap; she was a working (laboring) woman, and had a little cabin joined to a straw-thatched hut worth $100. The wines and other merchantable effects did not exceed $70 in value.

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I am acquainted with, and was acquainted with, Lorenzo Guevara; he was very poor: he had a cabin, half above and half underground; he had nothing, and lived with his mother. I was acquainted with Juan José Patiño; he was poor, and he did not have more than one house, the same which he still has; and I only knew him as a day-laborer, and sometimes he was engaged in the courts and other employments; in the event of his owning carts and property he had them outside. I am acquainted with Santos Loy; he was a soldier, and very poor—a laborer who worked from day to day for a living. I am acquainted with Guadalupe Ramos; he was very poor, and burdened with a family; he lived in a straw-thatched cabin, where he had eight or ten bottles of wine, and he gave balls to support himself in a very straightened way. I am acquainted with Francisco Gonzalez; he was a very poor day-laborer; he did not have property of any kind; he worked on the river to support himself. I am acquainted with Melchora Zimenez; she was very poor, and nothing but her labor with which to support herself; her son Francisco Quiritero lived with her, who was under age, and who had no property separated from his mother. I am acquainted with Geronimo Gonzalez; he was very poor; he had a few little carts, with which he supported himself. I am acquainted with Pablo Valadez; he was very poor; he labored with his sons covering cabins in order to support himself; there lived with him his sons, who were under age, Nicanor and Silverio, who did not have and do not yet have any property separate from their father. I am acquainted with Simon Ramirez; he was a very poor laborer. I am acquainted with Angel Yturriaga; he was an ex-soldier, very poor, and was a servant in the houses of different persons; he worked very little, because he was almost always drunk. I likewise am acquainted with Secundino Barbosa; he was a retired soldier, very poor, a little drunkard, and all his property was an ass. I am acquainted with Manuel Rodrigues; he had a little shop, (cabaret,) with a few little bottles, and by this he supported himself. I am acquainted with José Ma. Carbajal, who was in the same condition as Barbosa; he was an ex-soldier, and a drunkard. I am acquainted with Victor Gonzalez; he was a silversmith, but he did not have any independent place of business; he was very poor. I do not remember to have seen Gregorio Gonzalez at that time, and I believe he was not in Piedras Negras. I was acquainted with Julian Rodrigues before and after the burning of Piedras Negras, but I never knew of his living in Piedras Negras before the year 1862. I am acquainted with Antonio Montez; he was very poor; he had a few little bottles, and played the violin. I am acquainted with Jesus Losoya, but he did not live in Piedras Negras. I am acquainted with Juan N. Lopez; he had some cows, and sold milk; he was poor, and worked wherever they engaged him; in this way he was supported. I was acquainted with Mariano Aguirre for a long time, and at the time of the burning he was not more than thirteen years of age, and never had any property except the clothing which he wore. I am acquainted with Luis Muzquiz; he had nothing else in this world but the pen with which he wrote lies. I am acquainted with Cervero Barrara; he lived with his mother, Doña Isabel Miñan; he had little cows, carts, horses, the property of his mother, under his management; she, moreover, had a little shop, (cabaret,) and was one of the richest. I am acquainted with Pedro Gonzalez; he had no more capital than his carts and little cows, with which he supported himself; he lived in a cabin but this cabin was not burned, because I saw it afterward. I am acquainted with Juan Cáceres; he was very poor; he worked on halves in a boat (ferry) in order to maintain himself. I am acquainted with Anastasio Gonzalez; he was very poor, and a robber; I did not know that he had any other occupation except to rob, and by this means he supported himself; a few days before the fire he stole stock from the American camp. I am acquainted with Severo de la Luna; he was poor, a day-laborer. I am acquainted with José Ma. Rodriguez; he was very poor; I never knew that he had any property; he was a day-laborer, and a very good worker. I was acquainted with Domingo San Miguel; he had nothing more than the little ornaments of his house which did not exceed $400 in value. I am acquainted with Jesus Salinas; he lived in a sufficiently dilapidated cabin; he had nothing more than some carts which he had bought, and these carts were absent on a journey at the time of the fire. I am acquainted with Maria Delila Tauns, and her claim ought to be the same which Domingo San Miguel claims, with whom she lived at that time as wife. I am acquainted with Jesus Ma. Herrera; he was poor, working in a foundery. I am acquainted with Dyonisio Gonzalez; he is the father of Francisco Gonzalez; he was very poor, a day-laborer. I always knew José Jimenez was a very poor devil. I am acquainted with Adelaide Ban; she is my sister; she was a widow, engaged in washing and ironing, and made clothing in order to support herself; and her loss did not exceed $200, and I am convinced that she never intended to claim a cent more than what she lost. I am acquainted with Miguel Patiño; he had carts with which he supported himself, and I think at the time of the fire he was on a journey with the carts. I am acquainted with Catarino Rios; he was poor, working for me as a wagoner on the very day of the fire when he asked leave to cross to Piedras Negras to see his house. I am acquainted with Leonardo Rodriguez; he was very poor, and worked by the day in order to support

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himself. I am acquainted with Gabriel G. Cordero; he was a poor man, a card-player. I am acquainted with Julian Ortiz, who is now a guard; and if he is the same who presents a claim for losses caused by the burning of Piedras Negras, I say that he never lived in Piedras Negras at that time; he was a resident of San Juan de Allende. I am acquainted with Jacinto Rodriguez; he is a card-player by profession, and never had anything. I am acquainted with Vidala de la Cerda; he was poor; had fifteen or twenty bottles of wine, and made bread; with this he supported himself. I am acquainted with Eleno Rodriguez; he is the son of Ramon Rodriguez; he lived with his father, and did not have any property whatever separate from his father. I am acquainted with Manuel Perea; he was employed as clerk in the business of Jesus de la Garza. If José Ma. Perez, who presents claims, is the one who was a guard, and lives to-day in the little town, (the town of Fuentes,) I say that he came a long time after the destruction to live in Piedras Negras; he was (then) a resident of San Juan Allende. I am acquainted with Maria Telesfora Sosa; she is the wife of Geronimo Gonzalez, and she could not have sustained losses apart from her husband. I am acquainted with Blas Palos; he was as poor as Lorenzo Guevarra, with whom he was brought up, in the same house, and he was not at that time above fifteen years of age. I believe that the values which claimants have put in their *expedientes* are ridiculously exaggerated, and I believe that everything that existed in Piedras Negras, together with all the land on which the town was built, could have been bought at that time for $100,000.

MANUEL BAN.

(Here follows, in English, the certificate, under seal, of Albert Tiirpe, notary public of Maverick County, Texas.)

STATE OF TEXAS, *Maverick County, ss.:*

Deposition of William Schuchardt, of Piedras Negras, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of Piedras Negras, forty years of age, and commercial agent of the United States at Piedras Negras, Mexico. I am well acquainted with Manuel Ban, of Eagle Pass, Texas, who has signed and sworn to a deposition taken before Albert Tiirpe, on the 6th day of March, 1871. The said Manuel Ban is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is very good.

WILLIAM SCHUCHARDT.

(Translated by A. P. M., Washington, May 31, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County:*

Deposition of Gregorio Garza, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said GREGORIO GARZA, being first duly sworn, deposes and says: I am a citizen of Mexico and resident of Piedras Negras, in the district of Rio Grande, State of Coahuila, forty-six years of age, and a laborer by occupation. I know Antonio Montez, and Pedro Gonzalez, and Jesus Frias, and Nicanor Valadez; I do not know Maria N. de la Garza, and I do not recollect having known her at that time. I was a resident of Piedras Negras at the time that this town was destroyed by volunteers under the orders of Callahan and Henry, and I was at that time in the town. I know many of the residents who at that time lived in Piedras Negras who have presented claims against the United States of the North for losses which they sustained by the destruction of the town of Piedras Negras at that time. At the time the *expedientes* of claimants were made up I was absent from Piedras Negras, and on my return my wife informed me that Luis Muzquiz had talked with her about making up an *expediente* touching the loss which I had suffered by the destruction of my property when the volunteers robbed and burned the houses; but Luis Muzquiz never spoke to me, nor any other one, about this matter concerning me, nor with reference to other claimants. I know Jesus Salinas and Maximo Garcia, and Arcadio Ramirez, but I never presented them as witnesses in the matter of my claim, inasmuch as I myself did not know that they were claiming an amount

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so exaggerated for me. Jesus Salinas lives at Eagle Pass; Maximo Garcia lives, since four years, on a ranch in Texas, eleven leagues from Piedras Negras, and Arcadio Ramirez lives in the little town; and in order to present them as witnesses in my claim, I would have been under the necessity of going to seek them in those places; this I never did, because no one ever spoke to me about doing it. I know Antonio Montez, and Jesus Frias, and Nicanor Valdes; but at no time did I make a deposition with respect to their *expedientes* in their claims. I also know Pedro Gonzalez, but neither did I make a deposition about him, or about the property which he lost. It surprises me to see my name as a witness in the matters touching the claims of these parties against the United States, inasmuch as I never made and never was called to give testimony respecting them. I do not know Maria N. de la Garza, and it is not possible that I could have made a deposition of who she was or what she had. I am completely ignorant of the persons who appear as witnesses in the *expediente* which was made up for me, and it is my opinion that in these transactions many rascalities have been committed. I never knew the amount which they claimed for me, inasmuch as I never had the intention of claiming one cent more than what I lost. It is, in my opinion, very wrong to use the names of persons as witnesses without their knowledge, and I believe what was done in my case was done in many others. I am informed that some persons, such as Eleno Rodriguez, Arcadio Ramirez, Miguel Villareal, and others also present claims, and at the same time their fathers claim very large sums. Eleno Rodriguez lived with his father, Ramon Rodriguez, and he was a boy—just as Arcadio Ramirez and Miguel Villareal were children, and did not have any separate property at that time. I know Rafael Flores; he was a soldier; had two cabins; I lived opposite to him in the one in which Ma. Ramona Muzquiz now lives; and Rafael Flores lived where I now live. As Rafael Flores was a soldier, he was out of the town when Piedras Negras was destroyed by the Texans. The wife of Rafael Flores was sick in bed at that time, and she was not able to move. I know very well that her cabin was not burned, and none of his property was taken, because he had nothing of value. In a few days the wife of Rafael Flores died, and then he sold me his property, which consisted of two cabins and a lot, the two cabins being the same which he had before the fire. After the wife of Rafael Flores died he withdrew from Piedras Negras, and never returned; and I wonder where Luis Muzquiz seized (found) him in order to make him a claimant.

his
GREGORIO + GARZA.
mark.

Witness: WM. SCHUCHARDT.

STATE OF TEXAS, *Maverick County:*

(Here follows, in English, the certificate, under seal, of Albert Tiirpe, notary public, Maverick County, Texas.)

(Translated by A. P. M., Washington, May 19, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County, ss:*

Deposition of Adelaida Van, of Eagle Pass, Texas, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said ADELAIDA VAN, being first duly sworn, deposes and says: I was born in the State of Georgia, in the United States of North America, and I am now a resident of Eagle Pass, Texas; my occupation is that of seamstress, and I am forty-three years of age. I am well acquainted with Piedras Negras, and I was well acquainted with it before its destruction by fire by the Texans, who entered Piedras Negras, under the orders of Callahan and Henry, in the year 1855. At that time the town of Piedras Negras was recently settled, and its appearance was poor, and the inhabitants was likewise poor. The dwellings which it contained were cabins, badly dilapidated little houses, (*malanquitos,*) straw-thatched huts, (*chamacueros,*) and underground abodes, (*soterraneos.*) The furniture and adornments of the houses which the inhabitants had at that time were very few and of an inferior kind, and their cost very little. Some had a few pieces of jewelry, but in general there was not much jewelry among the people. The construction of a hut now costs from $30 to $40; but at that time it cost much less, the timber and grass being very near the town, while to-day it must be brought very much farther. There were few horses and cows in the town, neither were there many pigs. The price of a cow with a calf, of good quality, was, at that time, from $12 to $13, inasmuch as at this price I bought many for the officers of the American camp, who intrusted me with this commission. The very fattest pigs did not

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exceed $25 in value, and pigs which were worth as much as this were very few. At no time was a pig of the best quality worth above $25. I believe that few of the inhabitants had as much as $300, because they were poor, and what they had was of little value; it contained many inhabitants who did not have a hundred dollars. I am acquainted with Pablo Valades; he had cabins and carts and oxen, and was engaged, together with his sons, in making cabins; and he was poor. I am acquainted with José Ma. Carbajal; he was a servant of Captain Saiz; and I did not know he had any property. I am acquainted with Victor Gonzalez; he is a silversmith, and did not have anything. I am acquainted with Juana Longoria; she was poor; she had a cabin. I am acquainted with Dolores Salinas; she had good household furniture, but, with the exception of these, she was very poor. I did not know that Julian Rodriguez had any property whatever. I am acquainted with Antonio Mantez; he was a music-teacher, and supported himself by his occupation; he was poor. I am acquainted with Mariano Aguierre, but he did not have anything. I am acquainted with Jesus Almendares; he was poor; he did not have anything. I am acquainted with Juan Caceres; he was very young and a boatman; he was very poor. I am acquainted with Anastasio Gonzalez; he was poor; he had four children, and never had anything to give them to eat. I am acquainted with José Ma. Rodriguez; he was a servant and had nothing. I am acquainted with Domingo San Miguel; he was a servant, and he had no property but his house and arms. I am acquainted with Cecilio Vara; he was a poor workman; he made cabins. I am acquainted with Caspar Salazar; he was my neighbor; he lived in a hut; he was poor. I am acquainted with Vicente de los Santos; he was a soldier; I did not know that he had any property except his horse and arms. I am acquainted with Dionicio Gonzalez; he lived with his father, and was poor. José Jimenez was a boatman and did not have anything. I am acquainted with Rafael Zepeda; he was very poor; the little that he possessed he had lost in a fire before the place was burned by the Texans. I am acquainted with Isabel Galindo; she was a widow and very poor. I am acquainted with Jesus Pineda, bricklayer; he had cabins and worked at his trade, and by it made his living. I am acquainted with Leonardo Rodriguez; he was very poor. I am acquainted with Gabriel G. Cordero; he was very poor. I am acquainted with Maria del Pilar Galindo; she was a single woman, who had no house and was very poor. I am acquainted with Jesus Frias; he was a soldier; I did not know that he had any property at all. I am acquainted with Jacinto Rodriguez, gambler; he did not have anything in Piedras Negras; he came and went. I am acquainted with Maria Ygnacia Mesa; she was a poor woman. I am acquainted with Eleno Rodriguez; he was the son of Ramon Rodriguez, and was very small at that time, and did not have any property. I am acquainted with Manuel Perea; he was a clerk of Jesus de la Garza; he lived with his father, Ignacio Perea, and Manuel did not have any property separate from him. I am acquainted with Maria Refugio Garcia, but she did not live in Piedras Negras at that time. I am acquainted with Guadalupe Perez; he had a hut and was poor. I am acquainted with Blas Palos; he was a little fellow and had nothing. I am also a claimant for losses which I suffered by the robbery and fire of the Texans, and my losses altogether cannot exceed the value of $400; and this sum will pay for the losses which I sustained. I have not made a deposition nor have I subscribed a document with respect to a claim before the judge of Piedras Negras, nor before any other authority. They informed me that I ought to present a claim for the losses which I suffered by the burning of Piedras Negras by the Texans, because the Government of the United States was going to pay us for what we had lost; and in a short time Mr. William Stone sent for me. When I went to see him he told me that the Government was going to pay, and that I would lose nothing by making the attempt. I was telling him all that I had lost, but it appeared to him very little, and he wished to make it more, but to this I did not agree. He told me it was necessary to place it at a high figure in order that they should give us some, and in order that there would result some to pay him for his labor, and we would divide, (or go halves,) he and I. He wrote a document, but did not read it to me; he told me it was the value of what I had lost, and then I took the pen with which he subscribed the document, believing that he had put down what I had indicated. This document is the only paper which I have signed concerning my claim, and no authority or notary public was present. I appointed William Stone my attorney to receive any money whatever, and to take the steps desirable for the success of my claim. I did not subscribe this power. When he made up the document of my claim he told me I must return to sign it, but he never sent for me; I believe that he saw that the business did not please me. It seems to me that all the claims are ridiculously exaggerated.

her
ADELAIDA + VAN.
mark.

(Here follows, in English, the certificate, under seal, of the notary public, Albert Tirpe, of Maverick County, Texas.)

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STATE OF TEXAS, *Maverick County, ss:*

Deposition of William Schuchardt, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico in the matter of various claims now pending before the said commission.

WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States of America, a resident of Piedras Negras, Mexico, forty years of age, and United States commercial agent at Piedras Negras, Mexico. I am acquainted with Adelaida Van, of Eagle Pass, Texas, who has signed and sworn to a deposition taken before Albert Türpe, on the 26th day of April, 1871. I always knew the said Adelaida Van to be an honest and true woman, and entirely worthy of credit, and her statements are to be believed. Her general reputation for truth and veracity is good.

WM. SCHUCHARDT.

(Here follows, in English, the certificate, under seal of Albert Türpe, notary public of Maverick County, Texas.)

(Translated by A. P. M., Washington, May 24, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County, ss:*

Deposition of Pedro Salazar, of Piedras Negras, state of Coahuila, Republic of Mexico taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before said commission.

The said PEDRO SALAZAR, being first duly sworn, deposes and says: I am a citizen of Mexico and resident of Piedras Negras, thirty-two years of age, a boatman by occupation. I was born in San Fernando de Rosas, in the district of Rio Grande, state of Coahuila, Republic of Mexico, and I was a resident of Piedras Negras some time before its destruction by Texas volunteers, under the orders of Callahan and Henry, which destruction, as I recollect, took place in the year 1855. I was well acquainted with the town of Piedras Negras before it was destroyed and afterward. The number of (stone) houses did not exceed six; the other dwellings were huts, cabins, and cellars. I was then living in an underground hut (*soterraneos*) covered with earth, and I had established in it a hat manufactory; I lost by the destruction (of the town) everything that I had in my house. I had about five dozen hats finished and for sale, and about four dozen unfinished; at that time I sold a hat for $4; I also lost all the furniture and other things in my house. When I knew that claims were presented against the Government of the United States for the losses which we had suffered by the destruction of the town of Piedras Negras, I presented myself, as one who had also lost, to Luis Muzquiz, in order that he might present my claim for me, but as I never gave him a list of what I had lost, nor have told him of it, I do not know whether or not he has done it, but Abram Jimenes, secretary of Luis Muzquiz, handed me a paper to sign, telling me that it was the *expediente* of my claim; but I did not read said paper, neither did they read it to me, nor do I know what it contained. At the same that I subscribed the paper Zernardo Valdez, a friend of mine, subscribed another paper similar to it, and Abram Jimenes, the secretary of Luis Muzquiz, said to Bernardo Valdez that it was the *expediente* of his claim. I do not know what was exactly the number of cabins which it contained when the town was destroyed, but I know that they were not all burned. At that time the price of a breeding cow was $12, and the price of the best cow did not exceed $15. A fat hog sold at that time for $25 and $30.

PEDRO SALAZAR.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas, under date of 4th March, 1871.)

(Translated by A. P. M., May 20, 1871.)

STATE OF TEXAS, *Maverick County, ss:*

Deposition of William Schuchardt, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of Piedras Negras, forty years of age, and a commercial agent of the United States at Piedras Negras. I am well acquainted with Pe-

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dro Salazar, of Piedras Negras, who signed and swore to a deposition taken before Albert Türpe on the 4th day of March, 1871. The said Pedro Salazar is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is good.

WM. SCHUCHARDT.

(Here follows, in English, the certificate, under seal, of the notary public of Maverick County, Texas, under date of 21st April, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County, ss:*

Deposition of Jesus Loy, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before said commission.

The said JESUS LOY, being first duly sworn, deposes and says: My name is Jesus Loy; many persons call me Jesus Loya; I was born in the town of Guadalupe, near Monterey, in the State of New Leon; I am a Mexican citizen and resident of Piedras Negras, in the district of Rio Grande, in the state of Coahuila, Republic of Mexico; I am a boatman by occupation, and twenty-nine years of age. My father was a soldier, and his name was Santos Loy, and he was in Piedras Negras when this town was destroyed by the Texas volunteers in 1855; but I arrived at Piedras Negras about three years after it was destroyed, and I do not know anything about what happened before my arrival in said town. I knew that Luis Muzquiz and Mr. Coopwood were engaged in preparing claims for the residents who had lost by the destruction of their property when the Texas volunteers robbed and burned Piedras Negras; but they never spoke to me on this subject, neither did they call me to make a deposition concerning the losses which had been suffered by me or others; and if certain (any) persons present me as a witness in their *expedientes* they have acted in bad faith, and they have used my name with fraud, since I never made a deposition, because I did not know anything, and neither did they call me to do it, and I wonder how I can appear in the list of witnesses without having been one. I do not know Guadalupe Salinas and Francisco Hernandez and Maria Dolores Hernandez. I know José Ma. Carbajal, but I never made a deposition concerning his claim; I knew from hearsay that he had suffered (lost) in the destruction referred to. I know Nonato Patiño, but I do not know whether or not he lost in the destruction of the town, and I never made a deposition concerning him, nor was I called to do so.

JESUS LOY.

(Here follows, in English, the certificate, under seal, of the notary public of Maverick County, Texas, under date of March 10, 1871.)

(Translated by A. P. M., Washington, May 17, 1871.)

STATE OF TEXAS, *Maverick County, ss:*

Deposition of William Schuchardt, commercial agent of the United States at Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of Piedras Negras, forty years of age, and commercial agent of the United States at Piedras Negras. I am well acquainted with Jesus Loy, of Piedras Negras, who has signed and sworn to a deposition taken before Albert Türpe on the 10th day of March, 1871. The said Jesus Loy is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is a good one.

WM. SCHUCHARDT.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas, under date of April 21, 1871.)

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[Translation.]

STATE OF TEXAS, *Maverick County, ss:*

Deposition of Rafael Salinas, of Presidio de Rio Grande, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said RAFAEL SALINAS, being first duly sworn, deposes and says: I was born in the Presidio de Rio Grande; I am a citizen of Mexico, and a resident of the Presidio de Rio Grande, district of Rio Grande; my occupation is that of an ordinary mail-carrier, and my age is fifty-five. I am acquainted with the town of Piedras Negras, and I knew it before its destruction by Texas volunteers in the year 1855. At that time Piedras Negras was a very little town. The number of stone houses did not exceed six, the other dwellings were huts, cabins, and mud and straw-thatched ranches, (*chamacueros.*) I cannot estimate how many of the inferior class of dwellings it then had. I was acquainted with those residents of Piedras Negras who had come from my country to this town. I was acquainted with Octaviano Cervera; he is the son of Miguel Cervera; they were poor; they had some few cows and one or more beasts, (horses.) I am acquainted with Antonio Flores Salinas; he was one of the most substantial. I was acquainted with Geronimo Gonzales; he lived in one of the two straw-thatched huts or ranches, (*chamacueros;*) he had corrals, but I do not know whether or not it was burned; he also had carts and oxen and cows; but I did not know whether he had any capital. I was acquainted with Maria Telesfora Sosa; she was the wife of Geronimo Gonzales, and they lived together in the same house, which was well furnished and decorated, but in the usual manner. I was acquainted with Juan N. Lopez; he was poor, and had a cabin, a little ranch, (*chamacuero,*) and cows. I was acquainted with Nazario Moya; he was poor; he lived at the expense of a sister; he had a little cart and three yoke of oxen, and I did not know that he had a house of his own.

RAFAEL SALINAS.

(Here follows, in English, the certificate, under seal of Albert Türpe, notary public of Maverick County, Texas, under the date of March 11, 1871.)

(Translated by A. P. M., Washington, May 20, 1871.)

STATE OF TEXAS, *Maverick County, ss:*

Deposition of William Schuchardt, of Piedras Negras, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of Piedras Negras, forty years of age, and commercial agent of the United States at Piedras Negras. I am well acquainted with Rafael Salinas, of Presidio de Rio Grande, who has signed and sworn to a deposition taken before Albert Türpe on the 11th day of March, 1871. The said Rafael Salinas is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is excellent.

WM. SCHUCHARDT.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas, under date of April 21, 1871.)

[Translation.]

I, José Luciano de la Garza, lieutenant colonel of cavalry of the national guard of the state of Coahuila, of Zaragoza, Mexico, employed by the federal government of the Republic of Mexico as inspector of the post-office of this city, certify, by the power which the laws confer upon me to issue certificates, that I am certain, (of the following things to be true,) of my own knowledge, because since the year 1835 I have been engaged in public affairs, under the oath which I have taken, that in the year 1855, the time in which an armed force of Texan volunteers, under the command of Callahan and Henry, burned the town of Piedras Negras, that (town) was in a state of poverty, and the inhabitants were poor; and this was a notorious fact by public fame and report; and moreover my oath and my knowledge compel me to say that I knew the inhabitants who migrated before the fire to the said town of Piedras Negras, and that they lived in this city some, perhaps as many as eight, who carried a small amount of stock with them. I also certify that, when the Texan volunteers burned Piedras

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Negras, that town was composed of plain huts, built of grass and supported by rough posts with the bark on, and that the value of each one was $30, because that is what it cost to build a hut. All the dwellings were huts, except four or six houses, which were constructed of earth.

In testimony of which I witness the present at the request of William Schuchardt, vice-consul. I do not use a seal to subscribe, because the law does not permit me to use one.

JOSÉ LUCIANO DE LA GARZA.

ZARAGOZA, *April* 17, 1871.

(Translated by A. P. M., Washington, June 10, 1871.)

STATE OF TEXAS, *Maverick County, ss:*

Deposition of William Schuchardt, of Piedras Negras, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident in Piedras Negras, forty years of age, and commercial agent of the United States at Piedras Negras. I am well acquainted with José Luciano de la Garza, of Zaragoza, who signed a hereon-annexed certificate on the 17th day of April, 1871. The said José Luciano de la Garza is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is very good. The signature on the said annexed certificate is his true and genuine signature.

WM. SCHUCHARDT.

(Here follows the signature, under seal, of Albert Türpe, the notary public of Maverick County, Texas.)

[Translation.]

STATE OF COAHUILA DE ZARAGOZA, MEXICO,
District of Rio Grande:

Proceedings had at the request of William Schuchardt, the vice-consul of the United States at Piedras Negras.

To the acting judge of the first instance of the district of Rio Grande, belonging to the state of Coahuila, Mexico:

José Luciano de la Garza, resident of the city of Zaragoza, and agent (special and solely for this business) for William Schuchardt, vice-consul of the United States in Piedras Negras, come before you and respectfully state: That desiring a complete investigation may be made, in order to enable the United States to idemnify the inhabitants who were domiciled in Piedras Negras, and who suffered losses in the year 1855, in the burning of the place by an armed force of Texan volunteers, under the orders of Callahan and Henry, and to bring to light what I desire as agent of the vice-consul, I request you, as is my right, to make appear in the court over which you preside the citizens whom I offer to present, being residents of this town, and of lawful age, who may testify under oath concerning the points of the following interrogatories:

1st. Let them state their name, age, condition, occupation, residence, &c.

2d. Let them say whether they were well acquainted with Piedras Negras at the time of its destruction by fire by Texan volunteers under the command of Callahan and Henry, and what was the wealth or poverty at that time of the inhabitants of the town of Piedras Negras.

3d. Whether they knew anything about the residents who emigrated from this city to the mentioned town of Piedras Negras, what was their comfort (condition) then, and what was it when they suffered from the fire.

4th. And finally let them testify about whatever they may know, and about whatever may have reference to the true proof of what they suffered at the fire, the witnesses stating whether they are connected with the claims before the mixed commission between the United States and Mexico.

For the reason before stated, I beg you that when the proceedings are concluded you will please return the originals for the purposes required by my principal.

JOSÉ LUCIANO DE LA GARZA.

ZARAGOZA, *April* 14, 1871.
Received on the 14th of April, 1871.

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ZARAGOZA, *April* 15, 1871.

As asked, and for the purposes indicated by petitioner, let him be notified to present the witnesses which he offers in the foregoing interrogatory. Ignacio Fuentes, judge of the first local of this city, and acting judge of first instance of the district of Rio Grande, have so ordered and subscribed in this decree, with assistant witnesses. In witness:

IGNACIO FUENTES.

JOSÉ MARIA VALDES.
RAFAEL ZAMOZA.

Immediately José Luciano de la Garza appeared, and, having been informed of the foregoing decree, said that he hears it, and will comply by presenting the witnesses which he offers in his memorial, and which appears he subscribed with me and assistant witnesses. In witness:

Y. FUENTES.

JOSÉ MARIA VALDES.
RAFAEL ZAMOZA.

In the aforesaid city, on the 17th day of April, 1871, came the first witness, Jesus Zamoza, (who) having been duly sworn to tell the truth about what he might know and be questioned, said that he is called as stated; is more than forty years of age, a widower, resident of this place, and by occupation a farmer; and having been shown the interrogatories at the beginning of this proceeding, and being well informed of them—

To the second question he said that he was well acquainted with the town of Piedras Negras at the time of its destruction by fire by Texas volunteers, under the command of Callahan and Henry, and that, as to the wealth of the town, it was, in fact, at that time, one of poverty, because there was not a person who had any capital; that the houses in which the inhabitants lived were huts made of grass, supported by rough posts with the bark on, with the exception of some houses of earth, among them the maritime custom-house.

To the third question (he replied) that he was well acquainted with the residents who emigrated from this city before the fire to the before-mentioned town of Piedras Negras, and that their condition was one of poverty, and this same (condition of) poverty continued when the fire (occurred;) that some of the emigrants carried a moderate number of cattle and oxen with them; that he does not remember whether all did so, but that he knows, or has in his mind some, such as Severo de Luna, Martina Lopez, Antonio Montes, Luis Muzquiz, Filipe de la Garza, Pedro Gonzales, Dionicio Gonzales, Francisco Gonzales, Juana Hernandez, (widower,) Melchora Zimenes, (widower,) Antonio Ramirez, Arcadio Ramirez, Ramon Rodriguez, Catarino Rivo, Miguel Villareal Herrero, Rosa de la Garza, (widow;) and he explained that if some were omitted they are few.

To the fourth question he explained that as so many years had passed he does not remember other details; and testifies that he is not comprehended in the claim before the mixed commission between the United States and Mexico; that this is true, under the oath which he declared he had taken, and (he) subscribed with me and the assistant witnesses. In witness:

JESUS ZAMOZA.
Y. FUENTES.

JOSÉ MARIA VALDES.
RAFAEL ZAMOZA.

Without any interruption, the second witness, Thomas Martines and Zulaica, appeared, (who,) having been duly sworn to speak the truth about what he might know and be questioned about, said: That he is named as stated, is more than fifty years of age, a bachelor, a resident of this place, and by occupation a mechanic; and, having been shown the interrogatories at the beginning of this proceeding, and having been well informed of them—

To the first question he said that the general prohibitions of the law, which were explained to him, do not include deponent.

To the second question he replied that he was well acquainted with the town of Piedras Negras at the time of its destruction by fire by Texas volunteers, under the command of Callahan and Henry; and that the condition of that town, and in that time, was one of poverty, because the inhabitants, as well as the town, were recently settled.

To the third question he said that he also was well acquainted with residents who emigrated from this city to the before-mentioned town of Piedras Negras before the fire, and that their condition was not one of wealth, but of poverty, which continued even to the time of the fire; that he is satisfied that some of the residents who emi-

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grated, such as Marcelino Lopez, Antonio Ramirez, Ramon Rodriguez, Guadalupe Peres, Guadalupe Ramos, Gaspar Zalasar, carried to their new home a moderate number of cows and oxen, as did also José Ma. and Pedro Gonzales, and Dionicio Gonzales, who brought some little sheep with them; and Juana Hernandez, (widow,) Rosa de la Garza, (widow,) Melchora Zimenes, (widow,) Luis Muzquiz, Francisco Gonzalez, Severo de Luna, also carried cattle with them; that although he is aware that some (who took stock with them) are omitted, these are very few, as he recollects.

To the fourth question he said that as so many years have passed since the fire occurred, he does not remember other details, and that he is not interested in the claim before the mixed commission between the United States and Mexico; that this is the truth under the oath which he says he has taken; and he subscribed with me and assistant witnesses.

YGN. FUENTES.
THOMAS MARTINES and ZULAICA.

R. ZAMURAH.
A. J. MA. VALDES.

Then the third witness, José Maria Camanca, appeared, (who,) having been duly sworn to tell the truth about what he might know and be questioned, said that he is named as stated, is more than thirty years of age, resident of this place, by occupation an artisan; and having been shown the interrogatories at the beginning of these proceedings, and having been well informed of them—

To the first question he said that the prohibitions of the law, which have been explained to him, do not comprehend deponent.

To the second question he replied that he was well acquainted with the town of Piedras Negras at the time of its destruction by fire by Texas volunteers under the command of Callahan and Henry, and that the condition of wealth at that time of said town was a condition of poverty, because there was no person who had any capital whatever, owing to the circumstances of the time.

To the third question he said that he was well acquainted with some of the residents who emigrated, before its destruction by fire, from this city to the before-mentioned Piedras Negras, and that their condition was one of poverty; and that some of them who migrated carried with them an ordinary number of cattle and oxen; that he does not remember whether all of them did, but he recollects that some of them did; for instance, the following: Marcelino Lopez, Antonio Montes, Luis Muzquiz, Pedro Gonzales, Antonio Ramirez, Ramon Rodriguez, Gaspar Zalasar, Guadalupe Pera, Guadalupe Ramos; but he did not remember any more.

To the fourth question he explains that as so many years have passed he does not recollect anything else, and he declares that he is not connected with the claim (before the commission) between the United States and Mexico: that this is true under the oath which he said he had taken; and he subscribed with me and assistant witnesses.

Y. FUENTES.
J. MA. CAMANCA.

JOSÉ MARIA VALDES.
A. RAFAEL ZAMORA.

The fourth witness, Rafael Tijerina, appeared, (who,) having been duly sworn to tell the truth about what he might know and be questioned about, said that he is called as stated, is more than fifty years of age, is married, resident of this place, by occupation an artisan; and having been shown the interrogatories which are at the head of these proceedings, and having been well informed of them—

To the first question he said that the prohibitions of the law, which have been explained to him, do not comprehend deponent.

To the second question he answered that he was well acquainted with the town of Piedras Negras at the time of its destruction by Texas volunteers under the command of Callahan and Henry, and that the condition at that time, of said town, was one of poverty, for the reason that its inhabitants, as well as the town, were recently settled.

To the third question he said that he was also well acquainted with the residents who emigrated from this city to the said Piedras Negras before its destruction by fire, and that their condition was not one of wealth, but of poverty, and this continued even to the time of the fire; that he is satisfied that some of the residents who migrated, such as Marcelino Lopez, Antonio Ramirez, Ramon Rodriguez, Guadalupe Peres, Guadalupe Ramos, Gaspar Zalasar, carried to their new home an ordinary number of cows and oxen, (as did also José Ma. and Pedro Gonzales, and Dionicio Gonzales some few little sheep,) and the following persons also carried cattle with them, viz: Juan Hernandez, (widow,) Rosa de la Garza, (widow,) Melchora Zimenes, (widow,) Luis Muzquiz, Francisco Gonzales, Severo de Luna; that although he knows he has omitted some, they are very few, as he remembers.

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To the fourth question he explained that as so many years have passed since the fire occurred, he does not recollect other details; and that he is not interested in the claim before the mixed commission between the United States and Mexico; that this is the truth under the oath which he said he had taken; and he subscribed with me and the assistant witnesses. In witness:

Y. FUENTES.
RAFAEL TIJERINA.

JOSÉ MARIA VALDES.
A. RAFAEL ZAMORA.

I, Ygnacio Fuentes, acting judge of first instance of the district of Rio Grande, belonging to Coahuila, Zaragosa, Mexico, certify that the foregoing witnesses who have testified are of age, residents of this city, and that what they have deposed is to the best of their knowledge and belief; as also that they testify that they are not included, nor have they any interest in any claim pending before the mixed commission between the United States and Mexico; or, better said, that they have no claim before the cabinets to which they refer, for the reason that said witnesses so depose.

And in testimony I subscribe with the seal of my office in the said city of Zaragosa, Coahuila, chief city of the district of Rio Grande, and in the State of Coahuila, of Zaragosa, on the 16th day of April, in the year 1871, with assistant witnesses. In witness:

Y. FUENTES.

JOSÉ MARIA VALDES.
A. RAFAEL ZAMORA.

Let the originals of the present proceedings be delivered, as requested, and upon five written sheets.

Put the seal of my office.

Fees of the court, according to the tariff, $7.50; and of the certificate, $1.25.

(Translated by A. P. M., Washington, June 10, 1871.)

Deposition of Amos O. Strickland.

The said AMOS O. STRICKLAND, being first duly sworn, deposes and says: I am a citizen of the United States, native of Bradford County, Pennsylvania, and for the last eighteen years a resident of Texas. I now reside in Kinney County, near Fort Clarke, nine miles from there. I have a stock ranch there and farm. I know and am well known to the officers of the garrison at Fort Clarke. I know Pedro Tauns, who is one of the claimants for the destruction of Piedras Negras. He now resides in Kinney County. He is a native of Texas; he is a mulatto, and was the servant of the late General Sam Houston. He resided some time in Mexico, but claims now to be a United States citizen, and told me at the last election how he was going to vote in Kinney County. He told me also that he was one of the claimants for the destruction of Piedras Negras, and had made claim therefor against the Government of the United States. I asked him the amount he claimed, and he answered, "O, I am ashamed to tell you, it is so big!" He then said he was one of the first settlers of the town of Piedras Negras, which was settled when the post of Fort Duncan was established, or soon after. He has never been worth over $100 at any time, at least since I have known him, and that is eight years. Tauns is well knewn to the United States officers at Fort Clarke; to Major Bacon, (who was on General Sheridan's staff,) of the Ninth United States Cavalry, (colored.) Tauns has been working lately as a mason, in the employ of the Government at Fort Clarke, and for the last year or so has been burning lime, or has been employed in small jobs about the post; he is also a fiddler, and plays at fandangoes, and for the officers when they make a party there. I am well acquainted with Piedras Negras, that is, since it was burned. I know a great many of the inhabitants of the village; they are generally poor, and always have been; their houses are chiefly *jacales*, or Mexican huts; those of the common kind would cost to construct from $10 to $100, according to its size and finish; the furniture they have, where they have any, is of a very poor description; many are without a chair, bedstead, or even table. In fact, the greater part of them; many of their houses consisted of holes or cellars dug right in the bank of the river and covered with thatch, without door, window, or sides. The inhabitants were chiefly cartmen or laborers, and very few of them had any property whatever. From all that I know of Piedras Negras, and all I have heard from its inhabitants, who are now claimants, and from others, I should say that in the attack upon the place, in 1855, it is impossible that more than $50,000 worth of property could have been destroyed or taken; in fact, I believe far less than that, but not over that sum, because no such amount of property existed there. It was a new settlement, inhabited by the poorest class of laborers, with some very few exceptions, and had not, like the older settlements farther back from the river, farmers and men of some property residing there.

A. O. STRICKLAND.

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Deposition of Edward T. Moore.

The said EDWARD T. MOORE, being first duly sworn, deposes and says: I was born in Pittstown, Rensselaer County, State of New York. I am now a resident of San Antonio, Bexar County, State of Texas, and am by occupation a stock-raiser. I am a citizen of the United States. I am fifty years of age. I was in Piedras Negras, Mexico, and in Eagle Pass, Texas, from the year 1849 to 1856. During this period I was a permanent resident of Eagle Pass. In the years 1849 and 1850 I was employed by the United States officers to repair buildings and to erect what is now known as Fort Duncan. During the balance of said period I was employed as a ferryman between said towns. I know the town of Piedras Negras perfectly well, having built the first house ever erected in the town. I was, during the period hereinbefore mentioned, constantly in said Piedras Negras, and was well acquainted with every person occupying each town. I was at Piedras Negras when the raid of Callahan and Henry occurred, in October, 1855; the circumstances of said raid were as follows, viz: About the middle of the day on which said raid occurred, about ten men on horseback, belonging to the command of said Callahan and Henry, made a charge through Eagle Pass and seized my ferry-boats on the river Rio Grande; shortly after about one hundred men of said command followed, took possession of said ferry-boats, and immediately crossed to Piedras Negras, of which place they took control. About sundown of the same day they crossed the river, they passed through said town of Piedras Negras, and camped three miles beyond that place, on the road to San Fernando, without committing any depredation whatever. On the second day after crossing to Piedras Negras said command of Callahan and Henry returned to said town, and remained therein two days and a part of one night, during which time not more than forty small *jacal* houses, the value of which was not more than $40 each, were burned, and some property taken from the inhabitants, in value about $5,000. Some other property, not enumerated above, amounting to about $1,000, was taken for the purpose of constructing breastworks as protection against the Mexicans and Indians who assembled in force, which said property was burned. I believe that $10,000 would amply compensate the inhabitants of said Piedras Negras for all damage and loss sustained by them on the occasion of said raid, they being very poor. There was only one person in said town who was worth $3,000; the average value of the property owned by each family was $200. I do not believe that it was possible that $50,000 worth of property could have been destroyed on said occasion. The command of Callahan and Henry committed no depredations and fired no buildings until the Indians and Mexicans assembled around Piedras Negras, closed around them, and commenced an attack upon them, at which time four 32-pound guns were run out and bearing upon Piedras Negras, by authority of the officer in command of Fort Duncan, Major Burbank, to protect the return of Callahan and Henry's command to Eagle Pass.

EDWARD T. MOORE.

Deposition of George W. Brackenridge.

GEORGE W. BRACKENRIDGE, being first duly sworn, deposes and says: I am at this time a citizen and resident of this place, San Antonio, and am president of the San Antonio National Bank, and am thirty-nine years of age; have resided in San Antonio since 1866. In the year 1855 I resided at Seguin, in Guadalupe County, in this State. In October, 1855, as soon as the news of the affair at Piedras Negras reached Seguin, where it was stated that the Mexicans were coming across into Texas in retaliation of the attack made upon Piedras Negras, I started, in company with others, for Eagle Pass, or the frontier, to defend the expected attack. Our company halted on the Sabinal, and I, along with one or two others of them, proceeded to Fort Duncan to inquire into the particulars of the affair. We arrived there some days after the occurrence, and while all the marks of what had taken place were still visible and fresh. I crossed the river into Piedras Negras, accompanied by some others, and for the purpose of ascertaining what had really taken place, and the extent of the damage done. We found that about two-thirds of the huts, or *jacales*, in which the inhabitants had resided had been burned. My information was obtained from the Mexican men and women, inhabitants of the town, and whose property had been destroyed; and my sympathies were very much enlisted in their favor, because I saw they had been deprived of their homes and property by what I thought an outrage and very unwarrantable act. I made an estimate of the injury that had been caused, and the losses then occasioned there, from the testimony I could obtain from the injured parties on the spot, and within a few days after the act, and I came to the conclusion, as I recollect, that $50,000 would cover it all. The inhabitants were all poor, principally engaged in carting or stock-driving, and perhaps in smuggling in a small way. They were chiefly laborers, and very many would hire out at $6 or $7 a month. I thought that they had

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lost what little property they had, which, though small in amount, was everything to them, and was entirely changed in the opinion I had formed before arrival, for I had supposed that they were coming over in force to revenge the robbery. I thought the affair a very shameful one on the part of our people, and that a compensation was justly due these poor people. With that view it was that we estimated the damage, which, after inquiry, we put down at the sum I have named. I remained there two weeks engaged in the inquiry, and daily learning some further particulars of the affair. I do not know or now recollect the particular losses of individuals, or the details of each case; but the sum I have named is the total amount of the damage, so far as we could ascertain it. The population were generally of a low and vicious class, and I remember it was said of many individuals pointed out to us that they "could not drink water on the other side," meaning that they could not cross over to the American side for fear of arrest or punishment for some crime or offense, in consequence of which they had sought asylum on the Mexican side of the river. The respectable portion of the inhabitants were also poor, and there was no furniture of any value in any house I saw in the town. After remaining there some two weeks we returned to Seguin. I have not since visited the place.

GEO. W. BRACKENRIDGE.

Deposition of Lorenzo Castro.

The said LORENZO CASTRO, being first duly sworn, deposes and says: I am a citizen of the United States, born in London, England; and coming to the then republic of Texas when I was nine years of age with my father, Henry Castro, who colonized and settled Castroville, D'Hanis, and other places in Western Texas. I have resided in Texas ever since; not now engaged in business, and thirty-six years of age. In 1851 I first went to Eagle Pass, then just settled, and established a business there, and remained till June, 1862, after the store belonging to my father was burned. I knew Piedras Negras well at that time, crossing over almost every day. It was a miserably poor settlement. The Mexican commandant was then the only person who had a decent *jaca* even, the majority, three-fourths of them, living in holes dug in the bank of the river, some in huts and *chamacueros*, which are dwellings built of posts and covered with earth. There were no persons there of any wealth. It was a military colony, composed of a company of soldiers of one hundred and forty men, under command of Captain Arredondo. To these were added some laborers and camp-followers, and persons engaged in smuggling in a small way. The wealthiest man there was De la Garza. His property was chiefly at Santa Rosa, one hundred miles back. De la Garza had a small store. There was no other store, nor any place where any article could be procured. I returned to Eagle Pass in 1853, and again visited Piedras Negras. At that time there were more *jacales* built, and the number of inhabitants had increased some, but it was still a miserable place, and the same in all its essential features as the year before. I was there then two weeks. I returned again to Eagle Pass, crossed to the other side, and remained several months in 1858, after the burning which took place in 1855. The place had very much improved; some buildings of adobe and stone had been erected after the fire. At the time of the fire the only two-story house in the town belonged to John B. Rich, who had married a daughter of Mr. de la Garza. At the time of the fire, in 1855, there were not more than two hundred *jacales*, and these were worth on an average from $40 to $100. These contained small articles of furniture of very little value. The inhabitants had some extra articles of clothing and jewelry; and $50,000 or $60,000 would have paid liberally for all the damage done there.

LORENZO CASTRO.

Deposition of John Newton.

The said JOHN NEWTON, being first duly sworn, deposes and says: I was born in that part of the Indian Territory occupied by the Cherokee Nation. I am now, and have been since 1848, a citizen of the State of Texas, and always a citizen of the United States. I am thirty-four years of age, and a merchant by occupation. I am now a resident of Fort Concho, Texas; I was a resident of Piedras Negras, Mexico, from January, 1855, to March, 1856; was employed there, and knew that town and the larger part of its inhabitants well, and knew them in 1855. I was there in October, 1855, when the raid of Callahan and Henry occurred, and witnessed what was done. The circumstances were as follows, viz: The command of said Callahan and Henry crossed the Rio Grande from Eagle Pass to Piedras Negras, through which last-mentioned town they immediately marched, and encamped twenty miles beyond. Being attacked by Indians and Mexicans, while in camp, they returned to Piedras Negras the second day after first entering that town, and there constructed some rough breast-works to protect themselves against the Indians and Mexicans. During the presence of said

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command in Piedras Negras, on their return as aforesaid, they burned some one hundred *jacales*, or huts, of a rude and very cheap construction, together with a few houses of a better character; they also pillaged the town, but as the inhabitants were very poor they could not have inflicted much damage thereby. The *jacales* were worth about $50 each, on an average. From what I know of the place and its inhabitants at the time of said raid, I would consider $50,000 ample compensation for all damage done, including the values destroyed and taken. There were very few, if any, persons in Piedras Negras at the time of said raid worth $3,000.

JOHN NEWTON.

Deposition of Frederick Groos.

FREDERICK GROOS, being duly sworn, deposes and says: I am a citizen and resident of Texas, and have been so for more than twenty years. In the year 1855 I resided at Eagle Pass, in this State, opposite the town of Piedras Negras, in Mexico, and was there at the time of the raid by troops under Captains Callahan and Henry on said town, which took place in the autumn of that year. I saw them cross over the river, and I went over there once while they were in Mexico. They had advanced from Piedras Negras into Mexico, and had an encounter with Mexicans, and then returned to Piedras Negras. When they returned they fortified themselves in some of the strongest-built houses, and they burned or destroyed some thatched huts, or *jacales*, so as to give range to their fire. They set fire also to some houses in the town, to the number, perhaps, of twenty, not more, and some stores were robbed and some houses were plundered, if they could be called houses, and some small articles were carried off—things that could be found readily and easily carried—such as saddles and Mexican blankets. The whole amount of damage done could not exceed, altogether, $50,000. The houses, or *jacales*, which are thatched huts, destroyed were not any of them worth more than $100 or $200; possibly two or three of them might been worth $200 or $300 each, but the town was a collection of *jacales*, (huts,) and inhabited almost exclusively by poor people. Any inhabitant there who was worth or had $2,000 would have been considered rich. I knew Maria Juana Hernandez, who claims $127,000. She was a poor woman. She had no particular business. She was not worth $1,000. She may have owned a small house and lot. Lorenzo Guevara was also known to me, who claims $231,429. He was as poor as the above-mentioned. If he had $1,000 it certainly was not known at that time. I have seen the list of claimants before the commission for the destruction of their property in Piedras Negras. They are all grossly exaggerated, with the exception of those who claim a few hundred dollars. The injury done on that occasion by robbery and pillage could not have exceeded the sum I have mentioned, because the values were not there. There were very few, if any, horses or mules carried off, because the river was high, and the invaders were obliged to leave some of their own horses in their flight to the American side. Any house that contained furniture to the value of $100 or $200 would be looked on as very rich. No house, except some store, or containing a stock of goods, could have lost more than a few hundred dollars aside from the value of the house. I had been living at Eagle Pass, opposite Piedras Negras, and in daily business intercourse with the inhabitants of that place, and I knew well the condition and circumstances of most of them, and, aside from the value of goods in a store or two, there is not one among the claimants who could have lost $1,000. Most of them did not lose anything like that. As I have stated, $50,000 would amply pay all the damage that was occasioned by that invasion. I knew Melchora Jimenes. She might have been worth $1,000. I knew Manuel Rodriguez. He might have been worth $2,000. Dolores Moya had nothing that I knew of; she was very poor. José Maria Nuncio—if he had anything it must have been only a few hundred dollars. Louis Muzquiz was very poor. He claims $51,000. Jesus Almendares claims $156,000. I knew all the merchants there, and almost all who traded there and who frequently came over to buy goods. If he had any stock of goods or value I would have known it. He had none to my knowledge. Pedro Gonzalez claims $83,000. He was a cartman, and I have occasionally employed him as a servant and escort. I paid him a dollar a day, and took him with me about that time or the year previous. I see several others in the list situated in the same way, and who make claims for large amounts which they never owned. I have already stated that the town was inhabited by poor people, and any man who had a few thousand dollars was looked upon as rich or in good circumstances. The claims are for amounts which are grossly exaggerated. Felipe de la Garza was perhaps the best off in the town. The owner of the store he was in was Jesus de la Garza, his father. That store was robbed to some extent; I do not know to what extent. He could not have lost more than $2,000. I am forty-three years of age, and am a merchant in this city, where I have resided now five years.

FREDERICK GROOS.

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STATE OF TEXAS, *County of Bexar, ss:*

I, Robert D. Burns, of the city of San Antonio, county and State aforesaid, do hereby certify that Lorenzo Castro and E. T. Moro, citizens of said State, are well known to me; that they are truthful and credible persons, and that full faith and credit are due and should be given to all depositions and statements made by them.

R. D. BURNS.

Sworn to and subscribed before me. In witness whereof I have hereunto set my hand and official seal, at office, in San Antonio, this 15th day of March, A. D. 1871.

[SEAL.] J. MILLS HOYER,
Notary Public Bexar County.

STATE OF TEXAS, *County of Bexar, ss:*

I, Thomas D. Johnston, of the city of San Antonio, State and county aforesaid, do hereby certify that Frederick Groos, George W. Brackenridge, and John Newton, citizens of said State, are well known to me; that they are highly respectable and credible persons, and that all depositions or statements made by them are entitled to and should receive full credit and belief.

THOMAS D. JOHNSTON.

Sworn to and subscribed before me. In witness whereof I have hereunto set my hand and official seal, at office, in San Antonio, this 15th day of March, A. D. 1871.

[SEAL.] J. MILLS HOYER,
Notary Public Bexar County.

Deposition of Adolfo Duclos.

The said ADOLFO DUCLOS, being first duly sworn, deposes and says: I am by birth a Frenchman, a merchant by profession, forty-five years of age, now a resident of the city of Monterey, where I am established in business, and was formerly a resident of Eagle Pass, in the State of Texas, and during my said residence there the occurrences to which this deposition relates took place, I being present at the time. I know the village of Piedras Negras, and was well acquainted with the condition and circumstances of all of its inhabitants at the time of the raid of filibusters, under Callahan and Henry, from Texas, took place. I know that nearly all of the inhabitants of the village were of the poorest class of Mexicans, living in huts built of pickets stuck into the ground, with grass roofs, and without windows or floors; and that all their property was of little value, and in keeping with the character of their houses. At the time referred to there were three or four houses of a better class, but none of the inhabitants could be considered rich. I am perfectly satisfied that the whole village, including lots, houses, and the personal property of the inhabitants, could, in 1855, have been bought for less than $20,000, the village being at the time one of the most insignificant of the small towns of the state of Coahuila. I know, from personal observation, what articles were stolen by the filibusters, and I am satisfied that they would not amount, in actual value, to $1,000. I know this, also, from the fact that, owing to the poverty of the bulk of the inhabitants of Piedras Negras, there could not have been a robbery of a large amount of property or money. I know, also, from having seen the houses which were burned, that not over a half dozen were so destroyed, and the most of them *jacales*, of very little value, worth, say, $25 to $50 each. I have read what is written above, and here confirm it.

ADOLFO DUCLOS.

Deposition of Florencio Canales.

[Translation.]

The said FLORENCIO CANALES, being first duly sworn, deposes and says, in the Spanish language, since he does not speak English: I am a native of Lampasas, in the state of New Leon, seventy years of age, now and since the annexation of the Republic of Texas a citizen of the United States of the North, I living then in Old Laredo, on the Rio Grande. I am a butcher by occupation. I came to Fort Duncan, or, that is, Eagle Pass, when it was established, and since then I have lived here. I was here in the year 1855, and at the moment when the attack occurred by the volunteers of Callahan and Henry on the colony of Piedras Negras. I witnessed that burning, and saw that all the cabins there were burned. Four days after that occurrence I crossed to the other side of the river and saw the remains of the colony. All was burned. The day after the fire the volunteers who had burned the colony came to this side. I knew many of the residents of Piedras Negras. I can mention the greater part of them and

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those who had some property. They were poor people who lived by their labor. They had their carts and oxen, some shops with bottles of liquors. The strongest house was that of Jesus de la Garza. He might have had, in my opinion, $2,000. No other resident had so much. There were some who had $500 or perhaps even as much as $1,000 in every kind of property and goods. But the greater part did not have such amounts. The majority were poor people, and they had $200, $300, or $400 in all. Luciano de la Cerda might have had $600 in all, and he, after Jesus de la Garza, was one of those who had most.

his
FLORENCIO + CANALES.
mark.

Before witnesses.

Deposition of Ramon Perales.

[Translation.]

The said RAMON PERALES, being first duly sworn according to law, deposes and says, in the Spanish language: I am a native of San Buena Ventura, fifty-eight years of age, married, and a merchant. In the year 1855 I was in Piedras Negras as a contractor and merchant, and in the month of October, in the same year, I witnessed the attack made by Texas volunteers, under the orders of Captains Callahan and Henry, on that town, and I know the ruin they committed there. They burned some cabins with corn—say thirty or forty huts—which might be worth $50 each. I had a hut at that time which was worth some $40. There were, perhaps, one hundred families, with five hundred individuals, all poor. Some individuals possessed $1,000 or $1,500 at most; they were the richest. The majority, being poor people, did not have in this class (any) who had more than $200, $300, or $400. It was a new town, recently established, and composed of families who had come from Presidio de Rio Grande, San Fernando, and other towns of the district. Being in Nava, twelve leagues from here, Luis Muzquiz came from Piedras Negras to find me, in order that I might come to make a deposition, and give my testimony about the claims which were being made up in Piedras Negras, in order to present them in Washington in favor of the residents in this town. I went to Piedras Negras and made the deposition in the house of Luis Muzquiz. He asked me how much I had lost in the attack, and I answered him that the total value might reach $800. He replied that I ought to claim much more, since they had outraged my person and had caused me considerable damage and injury. I said to him that it was true, but that I did not propose now to demand this in account, and that the true value of what they had taken from me was as just stated, some $800. Don Luis replied that the residents of Piedras Negras had agreed to make up and present their claims in Washington against the Government of the United States, and to this end they had to incur much expense in making up the *expedientes*, and to secure the delivery of the money, which would be on shares, that is to say, half for me and the other half for him and the others who commenced the business; that so all the others had agreed; and he said to me that I ought to say $20,000. I answered him that he might place the amount which he might wish, but that I for my account would be satisfied with the value of the goods which I had lost. He said to me that the Government of the United States was very powerful, and could well pay the sums indicated. I replied to him that this might well be, but what it ought to pay was the value of the things which the residents of Piedras Negras had lost; that this was just, and that I did not wish more. I have seen the list of the residents who claim and the amounts demanded, and they are much exaggerated. Lorenzo Guevara is a resident of Piedras Negras. All that he had at that time did not exceed $500. He had two old carts and a cabin, two little oxen, five yokes, and he had recently come; wagoner. Juan José Patiño was a sub-contractor with the quartermaster at Fort Duncan; he was a wagoner; he had two carts, and all that he had could not exceed $800, and he was one of the most powerful and rich of Piedras Negras. The sums which claimants claim are much exaggerated. There was no one who had more than $2,000. Maria Juana Hernandez might have had $300 or $400; it could not be more. Victoriano Rodriguez was a wagoner, and his capital and the value of his stock did not exceed $400. Maria del Refugio Menchaca might have had $200. She claims $99,000. For every dollar lost they put down as much as $1,000 of reclamation, saying that they had to cut down half, and after that leave the half that remained for expenses and commissions. The residents of Piedras Negras who had shops or stores did not have in their stores more than some bottles of liquor, leather, shoes, and wares of little value. When the town was formed lots were given to all who wished to build a house, because the object was to attract population from the other towns, and the people whom they might expect were poor and could not pay for them. José Olallo Delgado had a store, and he may have had $1,000 in all. I know Antonia Sanchez de Fernandez. She had a little shop with some bottles of liquor, and she may have had $400, with her cabin

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and all. I also know Domingo Miguel; he was a laborer and could not have had more than $200. Juan Flores might have had $1,000 or $1,200, and he was one of the most powerful. Gasper Salazar did not have more than $200 in all. Gregorio Salinas was a silversmith by occupation. In the colony of Piedras Negras he had nothing. He lived with his brother in San Juan. Those who charged themselves with the business of making up the *expedientes* of the claims, and of obtaining testimony, were Mr. Luis Muzquiz and an American, who is lame and is called "of the camels," because he had a corral with camels, in Piedras Negras. Secundino Barbarosa was a soldier and had been a laborer. What he possessed could not exceed $200. Luis Muzquiz did not have more than $1,000; he had a hut and bottles; he sold liquor; he was a clerk. Dolores Moya did not have $300. In my judgment, the whole value of all the property and stock which was stolen and destroyed in the attack does not exceed $70,000. I am at this moment resident of Navas on account of my business, and I am passing frequently from Navas to Piedras Negras. I have always lived in this district and in Piedras Negras until the year 1866–'67. The colony of Piedras Negras was formed a little while after the camp of military location or Fort Duncan. It had no existence before. I am a Mexican citizen.

his
RAMON + PERALES.
mark.

Deposition of Gregorio Garza.

[Translation.]

The said GREGORIO GARZA, being first duly sworn, deposes and says: I am a native of San Nicolas de Hidalgo, in the State of New Leon, and since eighteen years I am resident of Piedras Negras, forty-six years of age, and farmer. I was in the town of Piedras Negras in 1855, and during the whole year, and in the month in which the attack and burning of this town took place, at the hands of Texas volunteers, under the orders of Callahan and Henry; was then a resident of Piedras Negras; had a house covered with hay in which I lived at that time, and my dwelling was burned with the others: there were then some one hundred and fifty or one hundred and eighty cabins (huts belonging to the residents of the town, and the value of them was from $30 to $80 each. Very few had articles of value. The generality of the residents were poor people. The richest among the inhabitants did not have more than $3,000 in all, and the generality much less, not more than $300 or $400 in value of furniture, or goods which they had. All that I lost on this occasion by the burning did not exceed $500. I know Maria Juana Hernandez; what she could have lost on that occasion did not exceed $400; she was poor. I know Dimas Sandoval. He did not have more than $300 in value. Felipe de la Garza might have had $800. Lorenzo Guevara was then a boy, living with his mother. Juan José Patiño had some wagons, (carts,) and lost about $800. He was one of the wealthiest (men) there. Santos Loy was a soldier, and he might have lost $300. Guadalupe Ramos was a musician, and is now, and he might have lost, perhaps, as much as $500. Francisco Gonzales Reyes was poor; as was Melchora Jimenes. They have placed my loss at $63,983. I have already stated what I lost. The *expedientes* were made up by Luis Muzquiz and others. He came to my house, and I not being there, he asked my wife what was the amount; she replied that she was not competent to know how much it was. Luis Muzquiz then put down the sum which I have named, and he did the same with the other residents. I never signed any *expediente* or declaration of my loss. I was never at the house of the judge, nor at the court for the purpose of giving testimony on this subject. I believe that he did the same with the others, and that he has put down and claimed $8,000 or $10,000 in favor of persons who did not lose $100. Jesus Almendares and Mariano Aguirre claim $126,290 and $51,506, and they did not lose $100, because they never had it, and neither did they have it now. Luciano Arredondo was poor; he had nothing more than his cabin and furniture, of small value. There was not then more than six stone houses; almost all were of timber and covered with hay. Secondino Barbarosa was a soldier, a confirmed drunkard; he had nothing. José Maria Carbajal was a soldier. Juan Caceres was a boy. I do not know who Jesus Cobos is. I knew almost all the residents at that time. Santos Cervantes was poor; he had some furniture in his house. Rafael Cespeda was a soldier; he was poor. Miguel Cervera was a cartwright: he might have lost $600. I do not know Manuel Amarillo Castro, nor José Maria Cortes, nor Cruz Cifuentes, nor Juan Castro, nor José Olallo Delgado, nor Rosa Elquezabal, nor Manuel Elquezabal, nor Gertrudes Floras. Jesus Flores was a peasant; he was poor. Antonio Flores Salinas was a boy. Juan Flores, the same. Jesus Frias was a soldier. Rafael Flores, soldier. Gregorio Gonzalez was then a poor baker, and he had no house. Albino Guevara was poor; he never had here the occupation of hat-maker. Anastasio Gonzalez was also poor; he claims $57,339; he did not have $200. I say the same of Dionisio Gonzalez, and of Francisco Gueda, and of Francisco Gonzalez. Maximo Garcia was a

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soldier. Jesus Maria Herrera, a smith, claims $46,350, and he could not have had $500. Clemente Herrera claims $72,688; this would be on behalf of his father, Theodore, and he might have had $600 or $800. Eufemia Hernandez was poor; she claims $44,500; she might have lost $500. José Jimenes was a poor man. Juana Longoria was then a girl; she claims perhaps on account of her parents. They were also poor, and they could not have lost more than $400. Jesus Losoya was poor. Severo de Luna was also a poor man. Marcelino Lopez, the same. Crescenciana Martinez was poor. Antonio Montez was a musician, and poor. Luis Muzquiz claims $51,797. I believe that he was not in the town then. He was the one who made up the *expedientes*. I believe that he has nothing now. He is a bad man. He was a prisoner in Saragosa, (San Fernandez,) and broke jail and escaped. José Maria Nuncio was poor. Julian Ortiz is a guard now; he was not in Piedras Negras then. Guadalupe Olvera is poor. Nonato Patiño the same, and Jesus Pineda, and Miguel Patiño, and Francisco Quintero, and Simon Rodriguez. Manuel Rodriguez had a little shop, and might have lost some $800. Julian Rodriguez was a soldier, poor, and Jesus Ramon the same. Rosalia Rodriguez might have lost $500. José Maria Rodriguez was a poor man; the same was Antonio Ramirez, carpenter. Ramon Rodriguez might have lost $800. Catarino Rios was a poor man; the same was Leonardo Rodriguez. Eleno Rodriguez claims $52,196; he is son of Ramon Rodriguez, who claims $65,350. At that time Eleno Rodriguez was a minor, and he had nothing. Dolores Salinas is a poor woman; the same is Francisca Zulaica. Domingo San Miguel was ensign of a company of soldiers at that time; he had very little; he was poor. Jesus Salinas was corporal of the company; poor also. Gregorio Salinas, silversmith, had very little. Gaspar Salazar was poor. Vicente de los Santos was sergeant of a company of soldiers; poor. Videlia de la Serda was poor; he was a boy then. Maria de la Luz Salazar was the wife of a corporal of the company; she claims $43,871; she might have had $300. Margarito Teposte, soldier, and poor. Casimiro Trejo was corporal of the company, and poor. Pedro Valades was a poor man, and so was Estanislao Valades, and his brother Silverio Valades, peasants and laborers. Onofre Villareal was the wife of Captain José Maria Saiz, and had one of the best houses; she was among the wealthiest people there. I have seen her manifest, or list of the things which she lost, and it does not reach $2,000, and she claims $113,736.50. Trinidad Vasquez was sergeant of the company of soldiers, and poor. Bernardo Valdes is now boatman, (on the Rio Grande,) and claims, without doubt, on account of his parents, because he was under age then. Cecilio Vara was a poor man; the same was Miguel Villareal. Nicanor Valdez, poor man. Angel Yturriaga was a soldier, and poor. There are some names in the list which I do not recognize, and I do not know that they were there at that time. The sums which they claim are very extravagant, (or exaggerated.) They could not have had, nor could they have lost, such an amount. There are claimants who then were not in Piedras Negras.

his
GREGORIO + GARZA.
mark.

First deposition of William Schuchardt, United States commercial agent at Piedras Negras.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen (naturalized) of the United States, thirty-nine years of age, now temporarily resident in Piedras Negras, where I am commercial agent of the United States. I have resided in Piedras Negras since the latter part of the year 1863. I am well acquainted with Ramon Perales, who has made a deposition before Albert Türpe, notary public, this day, and intended to be used before the mixed commission between the United States and Mexico, and now sitting at Washington, in the matter of various claims of Mexican citizens against the United States, and especially in favor of certain claimants because of the destruction of a part of the town of Piedras Negras in 1855. I have known Mr. Perales since 1867. He is a man of integrity of character, honest and worthy of credit and belief. Such is his general reputation. I have seen the list of the claimants against the United States for the destruction and robbery of their houses and pillage of their property in Piedras Negras by the raiders under Callahan and Henry in 1855, and am acquainted with a good many of them. The claims are all for extravagant amounts. None of them ever had any such amount of property. It is notorious that the amounts claimed are inflated and very extravagant. I have frequently conversed with those who allege that they lost their property and all they had on that occasion, and I know their present conditions and occupations, and, judging from their own declarations of the articles they then possessed, and which were taken from them, I should judge that the whole amount of the property destroyed and taken at that time and on that occasion could not exceed, in all, $50,000. Ramon Perales was one of those who lost property on that occasion, and, as he states in his deposition, he desired to make claim for about $800; and any larger amount than that is an exaggeration, made for the purposes he has stated, and not with his consent; and from

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that may be judged the exaggeration in other cases, in all of them, for they are all well known in Piedras Negras to be exaggerated, and so stated openly to be exaggerated, with the expectation that they will be cut down at least one-half or more; and of the sums that may be awarded but a portion will reach the claimants. These facts are notorious in Piedras Negras, and of general reputation and notoriety.

WM. SCHUCHARDT.

Second deposition of William Schuchardt.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am commercial agent of the United States at Piedras Negras, in Mexico, opposite to Eagle Pass, and resident there since 1863. I am well acquainted with Gregorio Garza, of Piedras Negras, who has made deposition before Albert Türpe, notary public in this place, on the 15th day of February, and who, after the same was taken down by me and read to him by me, signed (marked) said deposition. He is entirely worthy of credit, and his general reputation is that of an honest and reliable man. I have for several years had occasion to employ him, from time to time, on business of importance, and requiring a man of confidence and integrity, and have always found him correct and truthful. Such is his general reputation in Piedras Negras, where he has resided for a long time. I am acquainted also with many of the persons mentioned by him as inhabitants of Piedras Negras, who are among the claimants for the destruction of their property in that town in 1855, and his statements there made, both as to them and as to the mode of preparing and presenting the *expedientes* or documents in support of his and other claims by Luis Muzquiz and others, are true. I am acquainted also with Luis Muzquiz, and his character and reputation are not good, and the statement of Gregorio Garza in relation to him is true. The agents of the claimants in Piedras Negras, Bethel Coopwood and William Stone, came to me and proposed to pay me the fees for my official certificates to the seal and signature of the judge before whom the *expedientes* or testimony in support of those claims was taken—should be paid on condition that the claims were successful. I refused, stating that for every certificate and fee I had to render account, and I could make no such stipulation.

WM. SCHUCHARDT.

Deposition of Ramon Perales.

[Translation.]

The said RAMON PERALES, being first duly sworn, deposes and says: I am a Mexican citizen and resident of Nava, and I am about fifty-eight years of age, and merchant and laborer by occupation. I was a resident of Piedras Negras at the time that this town was destoyed by Texas forces, under the command of Callahan and Henry, and I lost by said destruction property of some value. The past year Luis Muzquiz sent for me, in order that I might make my claim through him, as my agent. I gave him a deposition (statement) of what I had in reality lost, and I never expected that they would pay me more than what I had lost, and if they paid me what I have lost I would be satisfied. I signed a power of attorney, in order that Luis Muzquiz might act as my attorney in this business, but they never asked me to make depositions concerning what other residents had lost by the same cause, and I never made a deposition, nor subscribed any document or *expediente* with respect to persons or losses which they sustained by the destruction of Piedras Negras by Texans in 1855. I know Trinidad Vazquez. I know Pedro Gonzalez and Domingo San Miguel. I do not know Albino Guevara; at least, I do not recollect him. I have not been a witness in the *expediente* of Pedro Gonzalez, nor of Albino Guevara, nor of Trinidad Vazquez, nor of Domingo San Miguel, and of no other person, and if Luis Muzquiz or other agents have placed me (my name) in the *expedientes* of the above mentioned persons, or of any other person whatsoever, these agents have committed a fraud by using my signature. I believe that many persons have made claims for losses who were not in the town at that time. I knew Marcelino Lopez; he was very poor; he had a cabin, and worked with a little cart. I knew Secondino Barbarosa; he was very poor and was a retired soldier, and he did not have more than one cabin. The same was Jesus Frias; he was building a cabin, and did not have anything more. I knew Trinidad Vazquez; he did not have anything but a cabin, and sold chickens and vegetables; he was very poor.

his
RAMON + PERALES.
mark.

Witness:
MARIDAD FURZA.

(Here follows, in English, the certificate of Albert Türpe, notary public of Maverick County, Texas.)

(Translated by A. P. M., May 19, 1871.)

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Index to Piedras Negras claims.

General docket number.	Notice docket number.	Claimant.	Amount claimed.
317	257	Almansa, Juan	$47,072 00
336	276	Angeles, Merced de los	63,860 00
344	284	Agirre, Mariano	51,506 00
350	290	Almendares, Jesus	153,242 10
714	109	Arredondo, Luciana	13,950 00
316	256	Barbosa, Secundino	21,592 75
351	291	Barrera, Severo	97,986 00
319	259	Carbajal, José Ma	21,792 00
347	287	Calderon, Juana	41,834 00
656	301	Cáceres, Juan	23,026 00
660	305	Cobos, Jesus	3,720 00
664	309	Cervantes, Santos	26,492 00
668	313	Cevera, Octaviano	37,836 00
696	91	Cepeda, Rafael	93,051 00
703	98	Cevera, Miguel	82,167 00
708	103	Castro, Ma. Manuela de	37,636 00
755	124	Cortées, José Ma	48,197 00
768	137	Cifuentes, Cruz	24,791 00
794	163	Castro, Juan	38,917 00
705	100	Delgado, José Olallo	48,615 00
310	250	Elquezabal, Rosa	81,409 00
775	144	Elquezabal, Manuel	65,890 00
308	248	Flores, Gertrudes	73,371 00
341	281	Flores, Jesus	54,240 00
652	297	Flores, Antonio Salinas	210,032 00
674	319	Flores, Juan	70,170 00
684	80	Flores, Antonio Cadenas	59,850 00
692	88	Felan, Cecilia	25,620 00
724	119	Frias, Jesus	25,296 00
771	140	Fuentes, Victoriano	101,942 00
782	151	Flores, Rafael	256,597 00
297	237	Garza, Felipe de la	121,125 00
298	238	Guevara, Lorenzo	231,429 00
303	243	Gonzales, Francisco Reyes	62,731 00
305	245	Garza, Gregorio	63,963 00
307	247	Garza, Jesus Sanchez	21,102 00
309	249	Gonzales, Geronimo	52,818 00
320	260	Gonzales, Victor	52,225 00
331	271	Gonzales, Gregorio	42,006 50
349	289	Galindo, Martina	33,026 00
354	294	Garza, Jesus Ma. de la	105,811 00
355	295	Gutierrez, Ma. Silvestre	43,390 00
356	296	Garcia, Josefa Elizondo	377,505 00
653	298	Gonzales, Pedro	83,090 00
662	307	Guevera, Alvino	92,124 00
663	308	Gonzales, Anastasio	57,339 00
665	310	Gonzales, Trinotor	61,536 00
669	314	Garcia, Dario	52,387 00
693	89	Gonzales, Dionisio	47,700 00
700	95	Galindo, Ysabel	30,850 00
712	107	Guedea, Francisco	65,690 00
713	108	Gonzales, Francisco	54,095 00
718	113	Garcia Cordero, Gabriel	111,050 00
719	114	Gutierrez, Josefa	24,325 00
722	117	Galindo, Ma. del Pilar	13,286 00
725	120	Garcia, Maximo	51,869 00
763	132	Gonzales Salinas, Dolores	79,454 00
784	153	Galindo, Clara	47,651 00
785	154	Garcia Vela, Antonio	53,336 00
788	157	Garcia, Ma. del Refugio	35,119 00
795	164	Garcia, Benito	63,142 00

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Index to Piedras Negras claims—Continued.

General docket number.	Notice docket number.	Claimant.	Amount claimed.
797	166	Garza, Ma. M. de la	$174,932 00
799	168	Garcia, Coleto	92,270 00
901	173	Gualdarrama, José	83,375 00
293	233	Hernandez, Ma. Juana	127,210 00
295	235	Herrera, Francisca	33,145 00
328	268	Hernandez, Martina	41,822 00
689	85	Herrera, Jesus Ma	46,350 00
704	99	Herrera, Clemente	72,688 00
720	115	Hernandez, Eufemia	44,500 00
772	141	Hernandez, Rafael	28,655 00
778	147	Hernandez, Olivarez	38,360 00
780	149	Hernandez, Francisco	38,653 00
791	160	Hernandez, Ma. Dolores	69,965 00
304	244	Jimenes, Melchora	107,786 00
694	90	Jimenes, José	42,140 00
301	241	Loy, Santos	63,105 00
322	262	Longoria, Juana	33,092 00
335	275	Losoya, Jesus	43,010 00
340	280	Lopez, Juan N	42,642 00
666	311	Luna, Severo de	33,445 00
667	312	Losoya, Refugio	57,990 00
687	83	Lopez, Marcelino	83,750 00
717	112	Luna, Maria Juana de	33,600 00
721	116	Losoya, Michaela	26,250 00
756	125	Lara, Santiago	95,328 00
757	126	Leon, Feliciano de	52,858 00
903	174	Longoria, Maria Rita	112,190 00
321	261	Moya, Dolores	53,580 00
323	263	Martinez, Manuela	41,675 00
329	269	Martinez, Crescenciana	52,259 00
334	274	Montes, Antonio	52,969 00
346	286	Muzquiz, Luis	51,797 00
348	288	Menchaca, Clemencia	21,312 00
352	292	Menchaca, Ma. del Refugio	99,775 00
659	304	Martinez, José Ma	73,867 00
675	220	Mesa, Jesus	35,389 00
716	111	Martinez, Pedro	47,235 00
759	128	Muñoz, Angelita	85,990 00
760	129	Mesa, Jesus	37,475 00
767	136	Mesa, Maria Ygnacia	58,645 00
789	158	Moya, Nazario	49,450 00
796	165	Martinez, Maria Ygnacia	24,594 00
338	278	Nuncio, José Ma	43,808 00
723	118	Ortiz, Julian	41,870 00
764	133	Olvera, Guadalupe	36,846 00
299	239	Patiño Martinez, Juan José	54,847 00
324	264	Patiño, Nonato	41,641 00
327	267	Prado, Luis	31,371 00
342	282	Perez, Socorro	75,764 00
654	299	Perez, Francisco	32,525 00
657	302	Perales, Ramon	70,024 75
661	306	Perez, Manuel	111,225 00
702	97	Pineda, Jesus	30,612 00
709	104	Patiño, Miguel	81,777 00
773	142	Perea, Manuel	94,045 00
774	143	Perea, Ygnacio	48,675 00
790	159	Perez, José Ma	80,177 00
793	162	Perez, Guadalupe	73,847 00
798	167	Perez, Marcelino	48,220 00
800	169	Perez, Ma. Gertrudis	47,225 00
900	172	Palos, Blas	40,910 00

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Index to Piedras Negras claims—Continued.

General docket number.	Notice docket number.	Claimant.	Amount claimed.
792	161	Quintero, Francisco	$50,280 00
302	242	Ramos, Guadalupe	114,077 00
313	253	Ramirez, Simon	55,378 00
318	258	Rodriguez, Manuel	86,243 00
330	270	Reyes, Gabriel de los	10,804 00
333	273	Rodriguez, Julian	73,588 00
345	285	Ramon, Jesus	72,401 00
353	293	Rodriguez, Victoriano	10,224 00
658	303	Rodriguez, Rosalia	53,543 00
672	317	Rodriguez, José Ma	53,657 00
683	79	Ruiz, Maria Juana	54,750 00
699	94	Ramirez, Antonio	89,150 00
701	96	Rodriguez Valdes, Manuel	49,138 00
707	102	Ramirez, Arcadio	38,624 00
710	105	Rodriguez, Ramon	65,350 00
711	106	Rios, Catarino	57,150 00
715	110	Rodriguez, Leonardo	67,065 00
753	122	Rodriguez, Jacinto	71,747 00
761	130	Rios, Hermenijildo	102,790 00
762	131	Robles, Nieves	70,012 00
770	139	Rodriguez, Eleno	52,176 00
781	150	Rodriguez, Rosalia	86,617 00
899	171	Rios, Julian	8,585 00
294	234	Sandoval, Dimas	43,139 00
296	236	Sandoval, Luis	54,075 00
325	265	Salinas, Dolores	89,775 00
332	272	Sauceda, Antonia	93,125 00
337	277	Sanchez, Encarnacion	62,610 00
339	289	Sulaica, Francisca	67,800 00
343	283	Sanchez, José María	63,886 00
673	308	San Miguel, Domingo	13,752 00
680	76	Salinas, Jesus	63,200 00
682	78	Salinas, Gregorio	39,660 00
686	82	Salazar, Gaspar	33,840 00
690	86	Salinas, Francisco	83,020 00
691	87	Santos, Vicente de los	25,793 00
706	101	Sanchez de Fernandez, Anto	50,450 00
752	121	Salinas Guevara, Jesus	59,373 00
754	123	Salinas, Facundo	77,947 00
758	137	Serda, Vidala de la	56,300 00
765	134	Salazar, Maria de la Luz	43,861 00
769	138	Sauceda, Miguel	71,341 00
776	145	Solis, Eduardo	48,528 00
777	146	Salinas, Guadalupe	45,264 00
779	148	Soto, Francisco	57,548 00
783	152	Salinas, Ma. Antonio	70,272 00
801	170	Sosa, Maria Talesforo	31,302 00
306	246	Teposte, Marganto	24,640 00
655	300	Tijerina, Julian	58,178 50
670	315	Trejo, Casimiro	45,416 00
679	75	Tauns, Pedro	65,550 00
685	81	Tijerina, Juan José	57,402 00
688	84	Tauns, Maria Delila	38,300 00
786	155	Tijerina, Maria Antonia	38,943 00
787	156	Trejo, Josefa	53,337 00
676	321	Urteaga, Antonio	93,080 00
300	240	Villareal, Pedro	63,501 00
311	251	Valades, Pedro	93,262 00
312	252	Valades, Estanislaus	82,871 00
314	254	Valades, Silverio	84,000 00
326	266	Villareal, Onofre	113,736 50

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Index to Piedras Negras claims—Continued.

General docket number.	Notice docket number.	Claimant.	Amount claimed.
671	316	Vazquez, Trinidad	$12,522 00
677	322	Valdes, Bernardo	33,619 00
678	323	Valades, Silverio	192,618 00
681	77	Vara, Cecilio	54,802 00
697	92	Villareal, Miguel	53,640 00
698	93	Van, Adelaida	32,620 00
766	135	Valdes, Nicanor	66,677 00
315	255	Yturriaga, Angel	31,802 00

Extract from the Washington Republican of April 18, 1872.

THE JOINT COMMISSION OF THE UNITED STATES AND MEXICO.—The commissioners announced yesterday their decision disposing of the class of cases known as the Piedras Negras claims, some one hundred and ninety in number, against the United States, arising out of the sacking of the Mexican town of Piedras Negras by two companies of Texas militia in October, 1855. An award of $50,000 is made in favor of the Mexican Government, to be by that Government distributed among one hundred and fifty of the claimants, as named in a list prepared by the commissioners, or such of them as may be found meritorious; while the demands of forty of the claimants, as named by the commissioners, are rejected outright.

Additional evidence being offered, both for the claimants' and defendants' governments, it was announced by the commissioners that, under the operation of the order closing all cases on the 1st of April, they would decline to receive evidence, except for substantial cause shown in each case, accompanied by satisfactory explanation of the delay in offering it. For want of this explanation, they declined to receive the evidence offered in several cases.

The large class of cases against the United States known as the "Indian depredation cases" was submitted to the consideration of the commissioners upon the legal points involved.



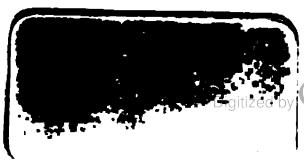
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